

**ANNUAL REPORT
TO THE GOVERNOR**

1993

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

February 28, 1994

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**INDIANA GAMING COMMISSION
OVERVIEW OF THE 1993 ANNUAL REPORT**

On July 1, 1993, the **RIVERBOAT GAMBLING ACT** (ACT), enacted by Public Law 277-1993 and codified at Indiana Code 4-33, et. seq., became effective, legalizing casino gaming on riverboats. In general, the ACT established the Indiana Gaming Commission (IGC) and vested it with the authority both to issue not more than 11 riverboat licenses in specified areas of the State of Indiana and to regulate the operation of the riverboats along with related businesses, occupations and schools. The ACT authorized the Governor to appoint the bipartisan seven member commission and directed that the initial commission be appointed by September 1, 1993. The first meeting of the IGC was held September 7, 1993 and a second meeting held on September 17, 1993. Subsequent meetings have been held on the second Friday of each month thereafter.

The activities of the Indiana Gaming Commission during the first six months of its existence are not only extensive, but aggressive in the execution of the commission's statutory mandates. Fifteen Resolutions were adopted by the IGC during the last four months of 1993 with 5 additional Resolutions adopted in the first two months of 1994. Through these twenty Resolutions the IGC enabled referenda to be held on November 2, 1993, resulting in eight statutorily eligible locations for the issuance of riverboat licenses. Other Resolutions have provided a role for local governmental entities in the selection process, approved application forms and established a plan for the orderly issuance of licenses. This plan not only reflects the statutory intent of a license to the City of Gary first, but also spreads the potential economic benefit of the licenses to all eligible areas of Indiana. The IGC, through Resolution and public statement, has established the State of Indiana as a location where all interested applicants will receive fair and equal treatment by a commission dedicated to maintaining a "level playing field".

While no Riverboat licenses have been issued at this point in time, the actions of the IGC have resulted in fifty-two applications being filed for ten of the eleven authorized licenses. Consequently, competition for the authorized licenses is strong and has resulted in the IGC being the only gaming licensing/regulatory body in the United States faced with the task of selecting a licensee from a group of competing applicants for a single location. Notwithstanding this unique challenge, the IGC has targeted mid-July, 1994 as the date for the licensing hearings in the City of Gary, which is earlier than the statutory goal of September 1, 1994 and within the best performance time lines of any other gaming licensing agency in the United States.

INDIANA GAMING COMMISSION MEMBERS

The Indiana Gaming Commission is composed of seven individuals appointed by the Governor for a three year term, although the initial term of some of the commissioners is staggered pursuant to statutory directive. Three members of the commission must be from counties contiguous to Lake Michigan, three from counties contiguous to the Ohio River and one member cannot be from any of the previously described counties. No more than four members may be affiliated with the same political party. One member of the commission must be experienced in law enforcement, one must be a certified public accountant and one must be an attorney; all must have a reasonable knowledge of the practices, procedures and principles of gambling.

Alan I. Klineman, Chair of the commission, lives in Carmel, Indiana. He is a lawyer, former prosecutor, founder and former Senior Partner of Klineman, Rose, Wolf and Wallack. He has served a term as an Indiana State Senator and is active in community affairs.

Ann Marie Bochnowski, Vice-Chair, lives in Schererville, Indiana. She is a former business writer for The Times in Hammond and is now a free-lance writer specializing in writing newsletters.

Gilmore Gene Hensley, Secretary of the commission, lives in Jeffersonville, Indiana. He is a certified public accountant who is also a former bank president and CEO of the bank's holding company.

Dr. David E. Ross, Jr., Chesterton, Indiana, lived in Gary from 1968 to 1991. He practices medicine in Gary and is affiliated with Methodist Hospitals in Gary and Merrillville.

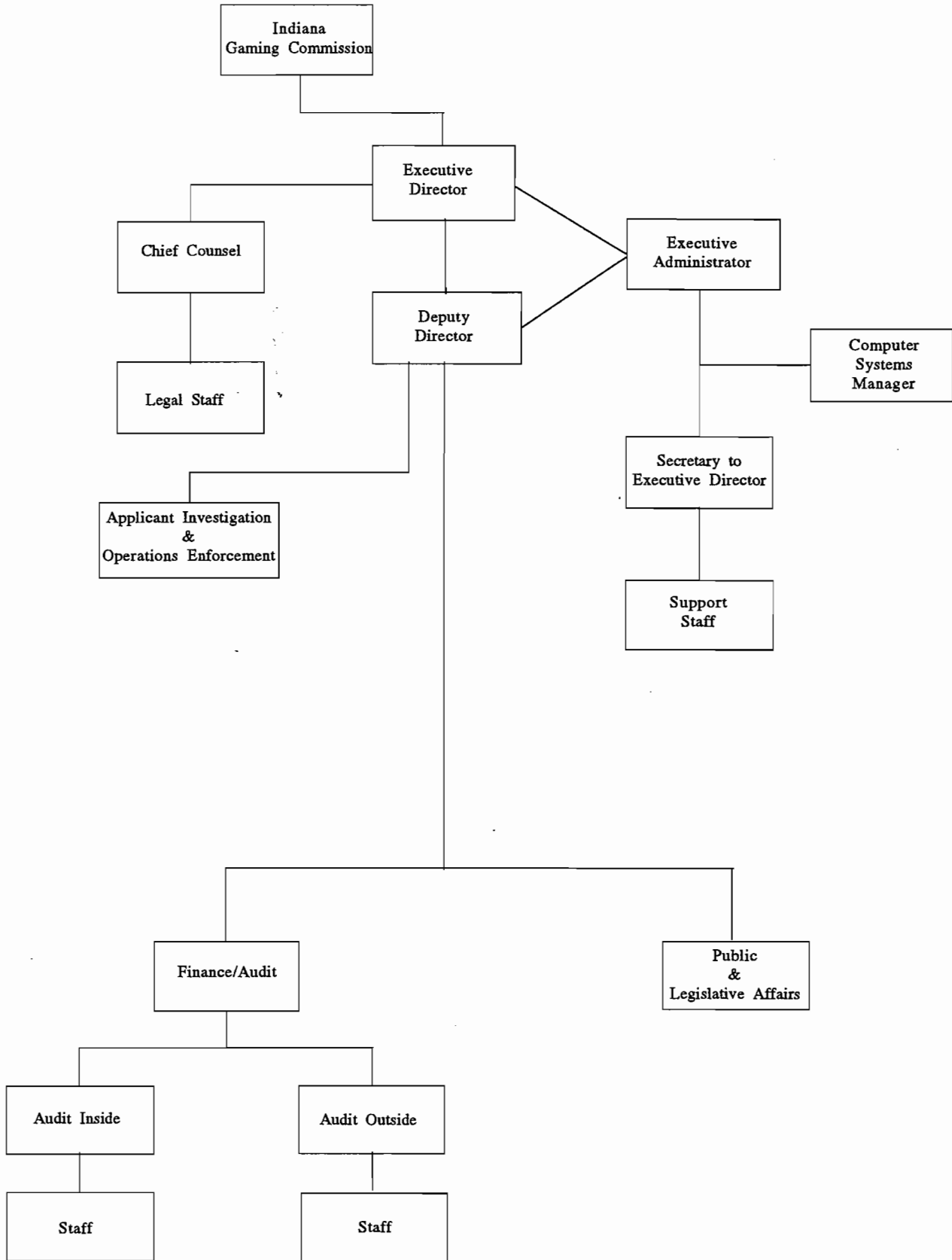
Robert W. Sundwick, Madison, Indiana, is vice president of Grote Industries, Inc. He is an active member of numerous charitable, civic and industrial organizations.

Donald R. Vowels, Evansville, Indiana, is a lawyer who has acted as court administrator for the Superior Court in Vanderburgh County. He is presently engaged in the private practice of law.

Former member

Robert W. Gilmore, Jr., Michigan City, Indiana, is a lawyer whose practice specializes in business-related cases. Mr. Gilmore resigned from the commission on February 3, 1994, to run for political office. His replacement has not yet been appointed.

INDIANA GAMING COMMISSION ORGANIZATIONAL CHART



THE YEAR IN REVIEW

I. STAFF

On October 6, 1993, the Executive Director of the Indiana Gaming Commission became the first full time employee of the IGC. In early November, 1993, the Deputy Director and the Executive Administrator joined the IGC staff followed, in late November, by Chief Counsel. The Secretary to the Executive Director joined the staff in December 1993. As of the filing of this report, these five positions are the only full time staff positions which are filled. It is anticipated that the Financial/Audit position will be hired by the end of April, 1994, and the audit staff increased in anticipation of operational Riverboats. One outside counsel was contracted with in December 1993. The personnel filling these positions are as follows:

EXECUTIVE DIRECTOR:	John J. Thar
DEPUTY DIRECTOR:	Floyd B. Hannon
EX. ADMINISTRATOR:	Judith S. Greene
CHIEF COUNSEL:	Mary Kay Fleming
SEC. TO EX. DIRECTOR:	Pam Ayres
OUTSIDE COUNSEL:	John J. Kish

The IGC offices are temporarily located at Room E-203 of the Indiana Government Center South, Indianapolis, Indiana. Numerous meetings have been held to locate and outfit permanent space for the offices which will enable the IGC to increase its staff and computerize the operation.

II. RECEIPTS AND DISBURSEMENTS OF THE COMMISSION

A. RIVERBOAT OWNER LICENSE APPLICATION FEES: As of February 28, 1994, the Indiana Gaming Commission has collected two million six hundred ten thousand dollars (\$2,610,000) in application fees from applicants for a riverboat owner license. Fifty-two applicants have paid the fifty thousand dollar (\$50,000) application fee, and one of these applicants has paid an additional ten thousand dollars (\$10,000) to amend its docksite from a county where the referendum approving riverboat gambling failed to a county where the referendum was successful. The application fees will be used to investigate the applicants.

In addition, the commission has collected six hundred twenty-four dollars and seventy-five cents \$624.75 in copying fees, to make total collections of two million, six hundred ten thousand, six hundred twenty-four dollars and seventy-five cents. (\$2,610,624.75)

B. ALLOTMENT: The State of Indiana appropriated two million dollars (\$2,000,000) to be used over a two year period and to be repaid with interest by July 1, 1995. To date, expenditures of the IGC from the allotment total seventy-eight thousand dollars (\$78,000), a modest amount that reflects the pre-investigation, start-up phase of the commission's work. Of the seventy-eight thousand dollars (\$78,000) expended, the majority represents salaries with the next largest expenditure for the temporary office setup. Expenditures are expected to increase when permanent office space is developed, staff increased and the office is computerized.

C. REVENUE: As there are no operational riverboats at this time, neither admission, wagering taxes nor licensing fees have been collected.

III. ACTIONS TAKEN BY THE COMMISSION

A. LICENSING

Statutory directive requires the IGC to issue riverboat owner's licenses (IC 4-33-6), suppliers licenses (IC 4-33-7) and occupational licenses (IC 4-33-8); the IGC is also required to administer and regulate the same (IC 4-33-4). To date, the IGC has carried out its statutory requirements as follows:

1. Riverboat Owner's Licensing: The IGC has created and adopted the application forms necessary to begin the application process, allow for the necessary referenda to occur and provide the IGC with the information necessary to issue licenses after the exercise of due diligence. Deadlines have been established for the filing of each portion of the two part application form and a sequential order for the issuance of the riverboat owner's licenses has been established.

Based upon the IGC's stated goals, it is hoped that the hearings for the issuance of the first riverboat licenses will occur in the City of Gary in mid-July, 1994. As a prelude to the hearings, the IGC, the Indiana State Police, the Indiana Department of Revenue and the Internal Revenue Service have coordinated activities to establish background investigative teams for the purpose of evaluating each applicant for a riverboat owner's license. In addition, the IGC has entered into discussions with members of the Center for Urban Policy and the Environment, School of Public and Environmental Affairs, Indiana University-Purdue University, Indianapolis, to provide the IGC with an independent economic development analysis of each

applicant and a continued monitoring of each successful licensee. The IGC has taken this step, unique to any state which has legalized gaming, to insure that riverboat gaming provides the docksite locations and the State of Indiana with the economic development so vital to the core of the Riverboat Gambling Act.

Staff is in the process of preparing the regulatory package necessary for the operation of the riverboats. It is presently believed that at least a portion of the regulations will be presented to the IGC for its action at the April, 1994 meeting.

2. Supplier and Occupational Licensing: Staff is also preparing the application forms and regulations necessary for licensing and administering supplier and occupational licensees. Staff has engaged in meetings, both public and private, with officials in the City of Gary, not only to aid that city in its preparation for operational riverboats but to aid the IGC and staff in the practical realities of licensing in these two areas. It is anticipated that the IGC will be presented with the applications and regulations for these two areas in April, 1994.

B. OTHER STATUTORY REQUIREMENTS

1. The Indiana Department of Revenue (IDOR) has the responsibility of collecting the Admission (IC 4-33-12) and Wagering (IC 4-33-13) taxes. The IGC staff has had preliminary meetings with the Commissioner of IDOR toward establishing a Chart of Accounts and Internal Controls which would be uniform to the industry and facilitate uniformity in audit functions between the IGC, IDOR and the riverboat owner licensees.

2. Pursuant to IC 4-33-14, the IGC is directed to establish and administer a unified certification procedure for minority and women's business enterprises (MBE/WBE) that do business with riverboat operations. In addition, the IGC is to obtain reports from the holder of an owner's license and determine whether an owner is making a good faith effort to meet the statutory goals in doing business with MBE/WBE's. The IGC staff has met with the Indiana Department of Administration, Minority Business Development, for the purpose of coordinating each agency's role in this area, since Minority Business Development is the certifying agency for the state. In addition, the two agencies have coordinated their efforts in participating in a public meeting held in the City of Gary on this and other issues. A Memorandum of Understanding is being developed which is intended to meet all of the statutory obligations of the IGC without a redundancy of state effort.

3. Indiana Code 4-33-8-9 requires the IGC to approve schools for the training of occupational licensees. The IGC staff has met with the Commissioner of the Indiana Commission for

Postsecondary Proprietary Education for the purpose of coordinating each agency's role in this area. The Indiana Commission for Postsecondary Proprietary Education presently accredits schools of this nature in the state. A Memorandum of Understanding is being developed which is intended to meet all of the statutory obligations of the IGC without a redundancy of state effort.

4. The rules of the Alcoholic Beverage Commission (ABC) are to apply to the holder of an owner's license (IC 4-33-4-12). The Chairman of the ABC and the IGC staff are presently coordinating the development of a Memorandum of Understanding and regulations to insure the effective enforcement of each agency's obligations without duplication of effort over the long term.

5. The IGC has the obligation to coordinate its licensing with other agencies that impact the riverboat owner and the ancillary development attendant to the riverboat operation (e.g. IC 4-33-4-13 and 20). IGC staff is presently engaged in effective dialogue with numerous other agencies, including the Army Corps of Engineers and United States Coast Guard, for the purpose of coordinating the efforts and concerns of each agency in a licensing process. It is hoped that understandings can be reached that recognize the jurisdictional concerns of each agency while attempting to proceed through the various processes without undue delay. It is anticipated that meetings will begin shortly with additional state agencies such as the Indiana Department of Natural Resources and the Indiana Department of Environmental Management.

6. Pursuant to IC 4-33-3-21 the IGC is not only required to maintain complete and accurate records separate from any other agency or commission, but must maintain the records in such a fashion that the records are available for public inspection. To achieve this statutory mandate in the face of voluminous riverboat owner license application information, all discloseable portions of the riverboat owner application forms are maintained at the Indiana State Archives, Commission on Public Records, Room 117, State Library Building, 140 N. Senate Ave., Indianapolis, Indiana. These records are available for public inspection and copying, at a cost of 15 cents per page, from 8:00 a.m. to 4:30 p.m. Monday through Friday. All other records are maintained at the IGC offices, Room E-203, Indiana Government Center South, Indianapolis, Indiana during the normal office hours of 8:15 a.m. to 4:45 p.m. Monday through Friday.

C. MISCELLANEOUS ACTIVITIES

1. On January 28, 1994, the Porter Superior Court entered judgement in favor of the IGC in a lawsuit brought by four individuals doing business in Porter County. The suit challenged the constitutionality of certain portions of the ACT dealing with

the referendum process. A Motion to Correct Errors is pending.

2. The IGC is in the process of entering into Memorandums of Understanding with the gaming regulatory agencies of other states to ensure that the IGC has the best possible information on each applicant for a license in Indiana as well as to share the information gathered in this state with the other regulators. In addition, discussions have explored the possibility of developing and participating in certain uniform activities, such as the development of an exclusionary list of those individuals known to violate the honesty and integrity of gaming.

3. IGC staff has met and is continually meeting with individuals representing the gaming industry, local governmental entities, citizen groups, law enforcement organizations, gaming regulatory agencies, suppliers and other state agencies to insure that the Indiana gaming Commission has the best possible information available to it when making its determinations.

IV. ADDITIONAL INFORMATION AND RECOMMENDATIONS

The Indiana Gaming Commission has no additional information or recommendations which it would consider useful, beyond that which is set forth in this annual report. The Governor has not requested any information or recommendations from the commission.

V. SUMMARY

The Indiana Gaming Commission submits its first Annual Report after only six full months of existence and less than six months of full time operations. The IGC believes that its brief history establishes the State of Indiana as being serious in an effective licensing and regulatory process dedicated to maintaining the public confidence in gaming necessary to achieving the statutory goals of economic development and increased tourism.

Alan I. Klineman
Chair

Ann Marie Bochnowski
Vice-Chair

Gilmer Gene Hensley
Secretary

David E. Ross, Jr., M.D.
Commissioner

Robert W. Sundwick
Commissioner

Donald R. Vowels
Commissioner

APPENDIX A: MINUTES OF COMMISSION MEETINGS

INDIANA GAMING COMMISSION
ORGANIZATIONAL MEETING
10:30 a.m., Tuesday, September 7, 1993
Conference Center Meeting Room A, Indiana Government Center South
Indianapolis, IN 46204

MINUTES

Call to order

Commission Chairperson Alan I. Klineman introduced Lieutenant Governor Frank O'Bannon. Lt. Gov. O'Bannon thanked the members for serving, praised their intelligence and integrity, and wished them well in the new direction they are taking the state.

Lt. Gov. O'Bannon administered the oath of office to Alan I. Klineman, Ann Marie Bochnowski, Robert W. Gilmore, Jr., Gilmer Gene Hensley, David E. Ross, Jr., and Donald Raymond Vowels. Mr. Klineman announced that Robert W. Sundwick will join the meeting after lunch.

Mr. Klineman announced that the members have been bonded, as provided in IC 4-33-3-12 and IC 4-33-3-15.

Selection of vice chairperson and secretary

Ann Marie Bochnowski was elected Vice Chairperson, on nomination by Gene Hensley, second by David Ross. The vote was unanimous, Mr. Sundwick not being present.

Gene Hensley was elected Secretary, on nomination by Ann Marie Bochnowski, second by David Ross. The vote was unanimous, Mr. Sundwick not being present.

Mr. Klineman introduced Bob Small, Executive Assistant for Public Safety for Governor Bayh, and praised his work. He said that Bob Small was instrumental in getting us to where we are today.

Mr. Klineman introduced John J. Thar, who will serve as Executive Director of the commission, beginning in early October. Mr. Thar's selection by the governor sends a clear message of integrity, Mr. Klineman noted.

J. Bradley King, Attorney to the State Election Board gave a brief overview of the Act and referendum process.

He stated that the law leaves areas that the commission needs to address. The commission must determine the application fee. It must set a deadline for filing for purposes of initiating a referendum approving riverboat gambling on the local level, and, if it chooses, specify how more than one applicant may pay for

the required referendum in a given county or city. Working back from October 3, 1993, when absentee balloting begins, we can determine that September 15, 1993, is the approximate date by which election boards need to begin preparations for a referendum. Further, docking ordinances must be passed by the appropriate local fiscal bodies prior to referenda; approximately twelve docking ordinances have been enacted.

Delegation of authority to staff

Bradley King introduced Resolution 1993-1, which delegates authority to Kenneth L. Miller, Commissioner of the Indiana Department of State Revenue, to establish an office, to enter into contracts on behalf of the commission, to incur reasonable and necessary expenses in the name of the commission, and to hold property on behalf of the commission in order to enforce the Riverboat Gambling Law. He will serve until the Executive Director notifies the chair that he has assumed full duties. Ann Marie Bochnowski moved the resolution, Gene Hensley seconded it; the motion passed unanimously, Mr. Sundwick not being present.

Bradley King introduced Resolution 1993-2, which authorizes John J. Thar, the appointed Executive Director of the commission, to perform all desirable and proper acts necessary for the commission to enforce the Riverboat Gambling Law. The motion was made by David Ross, seconded by Robert Gilmore. The motion passed unanimously, Mr. Sundwick not being present.

Bradley King introduced Resolution 1993-4, which establishes a fifty thousand dollar (\$50,000) application fee for an owner's license, to be submitted by cashier's check or certified check; the fee is to be used to cover the costs of investigating the applicant. A person who submits more than one application shall also submit a separate fee in the full amount with each application. It was noted that the fee is non refundable, and the applicant must bear the full cost of the investigation, which may exceed \$50,000.

Copying fees are assessed at fifteen cents (\$0.15) for each side of a page photocopied or otherwise reproduced by the commission.

Resolution 1993-4 passed unanimously, Mr. Sundwick not being present, on motion by Robert Gilmore, second by Donald Vowels.

Chairperson Klineman called for a ten minute recess.

The commission reconvened at 11:30 a.m.

Bradley King introduced Resolution 1993-3, which establishes a deadline for presenting payment of the election costs for the November 2, 1993, referendum to the county auditor as noon, prevailing local time, September 15, 1993, or an earlier date or

time prescribed by the county election board of the county. The applicant must present a copy of the application filed by the applicant with the commission, stating that the application has been filed, the county for which the application has been made, and that the application fee has been paid. The applicant will then pay for the election with a cashier's check or certified check, and the county auditor will provide the applicant with a copy of the quietus or receipt for the check, stating date and hour of receipt.

Resolution 1993-3 further provides that, after a special election has been conducted and before an owner's license is issued in that jurisdiction, the commission shall determine whether other persons have applied for a license in that jurisdiction and shall divide the cost of the special election equally among all the applicants, who reimburse the applicant-payor by certified or cashier's check; the commission will order payment by a certain date.

The State Board of Accounts and the State Election Board have been working with county officials, providing printed information to assist them in the process. Mr. King will answer all questions on the referenda process.

Application deadlines other than the one necessary to initiate the November 2, 1993, referenda will be established at a later date.

Resolution 1993-3 passed unanimously, Mr. Sundwick not being present, on motion by David Ross, second by Gene Hensley.

Alan Klineman introduced Stanley C. Pinegar, Deputy Commissioner of the Indiana Department of Revenue, who was to discuss ex parte communication with the commission. Alan Klineman prefaced his introduction with praise for Governor Bayh, who, he said, has done an outstanding job of picking members. He noted that the members of the commission receive a \$50.00 per diem for each meeting, plus expenses that the Indiana Department of Administration says are reasonable. This is a public service job, and the commission will need the help of both the public and the media to make this "the best operation," and "the cleanest operation." "The front door is the only place to do business with this commission," he stated.

Stan Pinegar introduced Resolution 1993-7, which prohibits an applicant from engaging in ex parte communication with a commission member. An "applicant" is anyone who has directly or indirectly applied, or may apply, for a license. The definition of an "applicant" was amended to include any individual who has any commercial interest in a license.

The resolution passed unanimously on motion by Gene Hensley,

second by David Ross, Mr. Sundwick not being present.

Mr. Klineman recessed the meeting till 1:30 p.m.

Mr. Klineman reconvened the meeting at 1:30 p.m. He welcomed Robert W. Sundwick to the commission; Mr. Sundwick has taken the oath and filed a bond, as required by statute, Mr. Klineman stated.

He thanked Judy Greene, Administrative Assistant to the Commissioner of the Indiana Department of Revenue, for her assistance to the commission.

Bradley King introduced Resolution 1993-6, which requires individuals, corporations, and political action committees to report expenditures made to influence the outcome of a special election conducted on November 2, 1993, concerning whether riverboat gambling should be permitted in a city or county. The resolution requires that individuals, corporations, or political action committees follow current political campaign expenditure reporting requirements. Resolution 1993-6 passed unanimously on motion by David Ross, second by Robert Sundwick.

Stanley Pinegar introduced Resolution 1993-5, which prescribes an application form for the Indiana Gaming Commission and defines an "applicant" for purposes of allowing the special election process to go forward.

Resolution 1993-5 adopts the Indiana Riverboat Owner License Application form. Resolution 1993-5 requires that a person file "Part I, Preliminary Information" with the commission and comply with IC 4-33 and all written requirements of the commission to be considered an applicant for the purposes of paying the cost of the special election.

Stan Pinegar explained that the Indiana Department of Revenue has been working on developing the application since July 1, drawing on the experience of other states, incorporating the best of the forms, rules, and regulations of Illinois, Iowa, Missouri, Mississippi and New Jersey. All the states have been very helpful. Part II is still being constructed; it will require detailed information on ownership structure and employee background. Part II must be submitted to the commission sixty (60) days after the deadline set for Part I. The commission may request any information it will; the commission is not limited to the application form. The Indiana Department of Revenue will receive Part I of the application in its offices in room N248 of the Indiana Government Center North and receipt the fifty thousand dollar (\$50,000) application fee.

Resolution 1993-5, amended to include the filing address and with the application attached, was approved unanimously on motion by

Ann Marie Bochnowski and second by Donald Vowels.

Resolutions 1993-1, 1993-2, 1993-3, 1993-4, 1993-5, 1993-6, and 1993-7 are incorporated into the minutes and attached.

Other Business

Ann Marie Bochnowski asked what the penalty is for ex parte communication for both commission member and applicant. There are no penalties at present; the commission must consider this issue.

Next Meeting

The next meeting will be at 11:00 a.m., Friday, September 17, 1993. After that, the commission will meet the second Friday of every month, as business requires.

At the next meeting we will see how many applicants there are. In the future we will have presentations on (1) how the boats will operate on the Ohio with regard to Kentucky; (2) the role of the U. S. Army Corps of Engineers and the Coast Guard through their representatives.

Meeting adjourned at 1:45 p.m., motion by Robert Sundwick, second by Gene Hensley.

INDIANA GAMING COMMISSION
REGULAR MEETING

11:00 AM September 17, 1993 Room 156B State House
MINUTES

PRESENT: Alan I. Klineman, Ann Marie Bochnowski, Robert W. Gilmore, Jr., Gilmer Gene Hensley, David E. Ross, Jr., M.D., Robert W. Sundwick, Donald Raymond Vowels, members; Bradley King, Staff Attorney to the State Election Board, Stanley Pinegar, Deputy Commissioner of the Indiana Department of Revenue and an audience.

Call to order and roll call

Chairperson Alan I. Klineman called the meeting to order at 11:00 AM. He called the roll. All commission members were present.

Approval of minutes of September 7, 1993 meeting

The minutes of the September 7, 1993 meeting were approved as corrected on motion by Robert Sundwick, second by Donald Vowels; the vote was unanimous.

Review of the list of applicants filed to date

Stanley Pinegar reviewed the list of applicants for a riverboat owner license. Twenty-seven applications have been received to date; they are diverse in form of business organization and show widespread, national interest in Indiana (list attached). No final deadline has been set for the application; noon of September 15, 1993 was a deadline only for those applicants who wanted to pay for a referendum on November 2, 1993.

Alan Klineman thanked the Indiana Department of Revenue for enabling the commission to fulfill its legislative goal: to open the door for referenda to take place November 2, 1993. He is impressed with the caliber of the applicants and their business experience. He asked for questions from the commissioners.

Gene Hensley asked if the commission had a schedule for awarding applications. Alan Klineman commented that the commission must delay any consideration of the applicants until after the referenda.

Ann Marie Bochnowski suggested working with Gary to establish a schedule leading to the issuance of a license. Alan Klineman said that the schedule for Gary is a commission decision. He added that Part II of the application is being developed and will be circulated to the members for additions or corrections.

Alan Klineman distributed a map of Illinois showing that nine riverboats generated revenues of \$62.4 million in July, 1993. (Source: Chicago Tribune; article is attached). He said that Indiana boats should generate considerable revenues for the state

of Indiana at a tax rate of 20% of the adjusted gross receipts.

Review of referenda to be held on November 2, 1993

Bradley King reviewed the status of the referenda. Nine counties will conduct referenda, plus the cities of East Chicago and Hammond in Lake County (List and update attached).

Bradley King reviewed referendum finance laws and policies.

Individuals, corporations and political action committees must report expenditures made to influence the outcome of a referendum on riverboat gambling. The State Election Board is developing the forms for the referenda and working with the county election boards; July 1, 1993, the first full day that the Riverboat Act was in effect, is the presumed reporting start date. He has told the applicants that the Indiana Gaming Commission may require additional information. He added that an entity filing the report must decide if these expenditures were made to influence the outcome of the election or are merely exploratory. He noted that if a corporate applicant makes a referendum expenditure and subsequently forms a Political Action Committee for expenditures, both the corporation and the PAC must file reports. He added that if an applicant spent money in a county but did not later apply for a license there, this will not be considered a campaign expenditure.

Alan Klineman announced that, before lunch, the commission will see the applications and visit the reading room that the Indiana Department of Revenue has established.

Alan Klineman recessed the commission at 11:35 for ten minutes.

Resolution 1993-8 on penalties for engaging in ex parte communication with members of the Indiana Gaming Commission (copy attached)

The commission resumed business with a discussion of ex parte communication. Alan Klineman said that all information concerning specific applications will be given in open meetings. However, the commission members live in communities where the issue of riverboat gambling is an important topic. He suggested that commissioners speak in generalities, communicate what is said at meetings, and steer away from discussion of specific applicants or business before the commission. Touring a local shipbuilding facility may be a part of the information gathering process; nothing should be said that would benefit a particular applicant. Communicate in this spirit with mayors and city and county officials, he suggested.

Stan Pinegar presented Resolution 1993-8. He said that the commission can hear complaints, judge whether the communication

was inadvertent or overt, and take action provided in the resolution. Donald Vowels noted that criminal penalties already exist, where real gain is involved. He noted that the resolutions give him the chance to say, "stop." The resolution was passed unanimously, on motion by Gene Hensley, second by Donald Vowels.

The commission recessed at noon and resumed the meeting at 1:50 p.m. with all members present.

Announcement of state law and policy on post employment restrictions for commission members and staff

Bradley King distributed a memorandum describing a total of four laws or policies that prohibit a former commission member or staff person from accepting employment from any interest who has had business before the commission for two years after separation from the commission.

Resolution 1993-9 providing that all applicants provide twelve (12) copies of the Indiana Riverboat Owner License application to the Indiana Gaming Commission

Stanley Pinegar presented the resolution, which amends Resolution 1993-5 (copy attached). The additional copies are needed in order to meet our obligation to provide information to the public. Once the application is filed, it is public record.

Resolution 1993-9 was adopted unanimously on motion by Robert Gilmore, second by David Ross.

Next Meeting

The next meeting will be held at 11:00 a.m. on Friday, October 8, 1993, in room 156B of the State House.

The commission adjourned at 2:05 p.m. on motion by Robert Sundwick, second by Gene Hensley.

INDIANA GAMING COMMISSION
REGULAR MEETING

11:00 AM October 8, 1993 Room 156B State House
MINUTES

PRESENT: Alan I. Klineman, Ann Marie Bochnowski, Robert W. Gilmore, Jr., Gilmer Gene Hensley, David E. Ross, Jr., M.D., Robert W. Sundwick, Donald Raymond Vowels, members; Bradley King, Staff Attorney to the State Election Board, Stanley Pinegar, Deputy Commissioner of the Indiana Department of Revenue and an audience.

Call to order and roll call

Chairperson Alan I. Klineman called the meeting to order at 11:00 AM. He called the roll. Commission members Bochnowski, Gilmore, Hensley, Sundwick, and Vowels were present. Commission member Ross was not present. Chairman Klineman declared a quorum.

Approval of minutes of October 8, 1993 meeting

The minutes of the October 8, 1993 meeting were approved as circulated on motion by Gene Hensley, second by Donald Vowels; the vote was unanimous.

Part II of the Riverboat Owner License Application is not complete to the satisfaction of the people working on it, Chairman Klineman announced. Part II will be considered at the next meeting.

Also, at the next meeting we will set a final deadline for Gary. Chairman Klineman suggested noon, January 18, 1994, as the deadline for Part I. This would place the deadline for Part II on March 15, 1994.

Report of the Executive Director

Alan Klineman welcomed John J. Thar, Executive Director. Jack Thar said that he was pleased to have assumed his responsibilities as Executive Director on October 6, 1993, and was notifying the commission that he had done so, as required in Resolution 1993-2. He has assumed an office in the Indiana Department of Revenue, Room N-248, Conference Room A. He is temporarily using part-time staff from the Indiana Department of Revenue; in the next few weeks he will be assembling a staff of five persons. His phone number is 232-2105. Alan Klineman said that ex-parte communication rules do not apply to Mr. Thar.

Commission member Ross joined the meeting.

Jack Thar reported on reports of anti-competitive practices engaged in between applicants for licenses and local governments. In the Lake Michigan area a local government has informed us that they have selected an applicant; staff has been informed of a

similar agreement in the Ohio River area. Both areas have multiple applicants. He noted the following: 1) No deadlines have yet been set, so actions taken at this date may have a chilling effect on future applicants for a site. 2) Referenda have not yet occurred, and applicants in an area where a referendum is defeated might want to change locations and apply in an area where riverboat gambling is permitted. 3) Evaluations by local government are "a factor" in the commission's evaluation process, especially in the area of economic development; however, the recommendation is strengthened when all applicants have presented their plans. Therefore, staff has drafted a resolution that recognizes the importance of local government evaluations and endorsements but states that evaluations made "before the deadline are premature and will receive little, if any, consideration in the Commission's evaluation process." (Resolution 1993-10, attached).

Commission members commented that widespread newspaper reports were undermining public confidence in the commission's ability to be open and act in a forthright manner; this is not to imply that wrong doing is taking place. The commission has spoken in previous meetings about keeping a level playing field for the applicants. This resolution, while recognizing the good faith efforts of local governments, will establish valuable guidelines. Evansville has set a date and invited applicants to make public proposals, a process that will help voters make an informed decision at the polls, the Mayor feels. The Mayor has remained neutral on the referendum issue and the choice of applicants.

Jack Thar read aloud Resolution 1993-10. The resolution passed unanimously on motion by Robert Sundwick and second by David Ross.

Jack Thar continued his report. As a corollary to local endorsements, some local governments have given applicants exclusive agreements on publically owned sites. A precedent exists for a commission decision differing from a city's decision in New Orleans. There, with two applicants competing for a riverboat license, the city named Grand Palace Casino the sole developer and made it lease holder for the location. The state licensing authority chose Harrah's Jazz, as having the better package for the city and state.

In discussion, members of the commission noted that the decision affected not just the city but an entire locale. They emphasized that no deadlines have been set yet, and the commission wants to encourage applicants and discourage premature evaluations and endorsements by local government. Chairman Klineman said he would like to see that when a city owned land suitable for riverboat operations, it would agree to transfer the land to whoever was awarded the license.

Jack Thar presented a notice of a request to withdraw an application and refund of the application fee from Summit Riverboat Casinos in East Chicago. He noted that an initial reading of the statute makes no proviso for returning the fee. Jack Thar recommended tabling the request, pending further research and to give for reflection on the request to Summit. The issue of paying for the referendum would also be raised. Motion passed unanimously only motion by Robert Gilmore, second by Gene Hensley.

Stan Pinegar presented Resolution 1993-11, concerning the number of owner licenses a person may hold under IC 4-33.

The resolution was drafted after numerous requests to staff for clarification and will encourage the greatest competitiveness. The resolution is a policy statement from the commission on the meaning of the ownership restriction under the Riverboat Gambling Act. the Resolution states that "a person may simultaneously own any interest up to one hundred percent (100%) interest in one owner's license and not more than ten percent (10%) interest in a second owner's license."

Resolution 1993-11 passed unanimously on motion by David Ross, second by Donald Vowels.

Stan Pinegar reported on a meeting of the Interim Study Committee on Public Gaming Issues. He and Chairman Klineman represented the commission. The commission is moving ahead with deliberate speed. Accomplishments to date include initiating the application process to permit referenda on the riverboat question to take place. Suggestions for changes in the legislation will be forthcoming from the commission at a later date.

Bradley King, attorney to the State Election Board gave an update on campaign finance and referendum issues. he stated that October 8, 1993, is the end of the first campaign finance reporting period and the deadline for filing the first campaign finance report is noon October 22, 1993. He reviewed two of the most common, often unintentional, violations of campaign law: (1) any campaign advertisement must contain a "disclaimer" identifying who paid for it; (2) if two or more persons spend or raise more than \$100.00 to influence the outcome of the referendum they are considered a PAC and must file an organizational statement within 10 days after raising or spending the funds. New PACs may be formed or existing PACS may be used for purposes of influencing the referendum vote.

Complaints of election irregularities should be filed with the county election board. The State Election Board will monitor the election and provide information and assistance; the county election boards will enforce election laws in county elections.

The State Election Board has mailed a four page advisory letter to the County Clerks to advise them of procedures for the

referenda.

Chairman Klineman requested that the State Election Board send a press release concerning these issues to the areas where referenda will be held.

Chairman Klineman announced that the next meeting will be held at 11:00 A. M., Friday, November 12, 1993, in the Auditorium of the Indiana Government Center South.

The commission adjourned on motion by Robert Sundwick, second by David Ross.

Copies of Resolution 1993-10 and Resolution 1993-11 are attached to the minutes maintained in the Indiana Gaming Commission office, Indiana Government Center South, Room E203. Copies are available at that location.

INDIANA GAMING COMMISSION
REGULAR MEETING

11:00 AM November 12, 1993 Conference Center Auditorium
Indiana Government Center South

MINUTES

Call to order and roll call

Present: Alan Klineman, Ann Marie Bochnowski, Robert Gilmore, Gene Hensley, David Ross, Robert Sundwick, Donald Vowels, John J. Thar, Floyd Hannon, Bradley King, Stanley Pinegar, Judy Greene.

Approval of the minutes of the October 10, 1993 meeting

The minutes of the October 10, 1993, meeting were approved as circulated on motion by David Ross, second by Ann Marie Bochnowski.

Report from the Executive Director

Chairman Alan Klineman asked John Thar to introduce the staff. John Thar introduced Floyd B. Hannon, Deputy Director; Judy Greene, Executive Administrator; and announced that Mary Kay Fleming would join the staff as Chief Counsel the Monday after Thanksgiving. Chief Counsel will develop regulations as a top priority, with assistance from outside counsel.

The commission has assumed temporary quarters in room E203 of the Indiana Government Center South. The telephone number is (317) 233-0046.

Chairman Alan Klineman and Executive Director John Thar appeared before the legislative Interim Study Commission on Public Gaming on November 3, 1993. Issues discussed included staffing and projections for future staffing, need for emergency rule making authority, potential budget problems should riverboats become operative before the 1995 session of the legislature.

Alan Klineman, John Thar, and Floyd Hannon attended the Riverboat Gaming Congress and Expo in New Orleans, November 9-11. They met fellow gaming commission members and staff and gained insight into the industry, products and views on the industry.

Present objectives of staff for future scheduling: Part II of the application will be made available to commission members prior to the December 10, 1993, meeting to discuss and adopt at that meeting; continue staffing for secretary and investigations of Part II generated material; preparation of an overall timetable and process for selection. Meanwhile rules and regulations will be developed for the licensees.

The staff is ready to serve the commission.

Alco Management Services has offered to provide storage of duplicate copies of the application in the Indiana National Bank tower, a reading room, and copying service at five cents a page to those requesting it. No copies of the application will circulate. This service is at no charge to the commission. Staff will make sure such a procedure is within the bounds of state government.

The question has arisen whether applicants in areas where referenda failed may transfer an application and original application fee to a new site. Chairman Klineman noted that the state says the fee is site specific and is nonrefundable. The chances of receiving a license are delayed where a referendum has failed, but still possible if a referendum succeeds in two years time. Chairman Klineman took it by consensus that the commission will require a full, new application plus an additional fifty thousand dollar fee from an applicant for a new or additional site. The staff will study the possibility of a reduced fee for an applicant at an additional site.

There is no sense of competition between the states at the regulatory level. The staff of the Illinois Gaming Board has been very helpful.

Staff is studying the issue of confidentiality of applicant information.

Report from the State Election Board

Bradley King provided the attached "Preliminary Report", which provides election results and approximate election expenditures. Riverboat gambling was approved in East Chicago, Hammond, and LaPorte County on Lake Michigan, and in Vanderburgh, Dearborn, Ohio, and Switzerland counties on the Ohio River. Riverboat gambling was disapproved in Porter County on Lake Michigan, and in Warrick, Clark and Floyd counties on the Ohio River. Figures on election expenditures are approximate, as the final election expenditure reporting date will be January 18, 1994. Preliminary reports suggest approximately \$700,000 was expended to win approval of riverboat gambling, and \$12,000 was expended to oppose riverboat gambling. There were no significant problems in running the election. There were no significant equipment failures. Election costs did not come from the public coffers, but from riverboat owner license applicants. Thanks are due to the county election boards who geared up quickly for the heavy vote and conducted the elections in a fair manner.

Notice of request to withdraw an application for a Riverboat License: Summit Riverboat Casinos--Inc. Tabled at the October 8, 1993 meeting

Summit asked to withdraw on September 20, 1993, a few days after filing. A written request was made on October 25, 1993. John Thar recommends: the commission accept the request to withdraw

an application; not return the fee as it is nonrefundable by statute; not assess the costs of the referendum, as Summit was not an applicant on that date. The commission agreed this was an individual request and to evaluate any such, future requests on a case by case basis. A draft resolution was adopted unanimously on motion by Donald Vowels, second by Gene Hensley. The final form of Resolution 1993-13 is attached.

Resolution approving a Gary application deadline

Stanley Pinegar presented Resolution 1993-12, setting a noon Indianapolis time, December 15, 1993, deadline for Part I. Part II will then be due sixty days later on February 15, 1993, same time. Resolution 1993-12 passed unanimously, on motion by Bob Gilmore, second by David Ross (attached).

Letter to applicants in counties where referenda on riverboat gambling were held November 2, 1993

The commission will officially notify all applicants of the results of the referenda. In areas where the referenda failed, applications will be held in abeyance, pending another referendum or a specific request from the applicant.

Other business

Applications may be accepted everywhere a referendum passed. An applicant may be involved in two locations, with the restriction that an applicant may own up to 100% interest at one location and not more than 10% ownership in a second location where a license is granted. Public input will be invited during the hearing process. Chairman Klineman urged local governmental entities to keep the door open to applicants, and thus encourage competition. John Thar said that he had met with Gary officials and that they were proceeding in a very professional manner in line with the resolutions passed by the commission.

Next Meeting

On December 10, 1993, the commission will meet in Gary at 11:00 AM Gary time to give the members a feel for the area. The location will be announced later.

Adjourn

The commission adjourned on motion by Ann Marie Bochnowski, second by Robert Sundwick.

INDIANA GAMING COMMISSION
REGULAR MEETING

11:00 AM December 10, 1993

Genesis Convention Center

Gary, Indiana

MINUTES

Present: Commission members Alan Klineman, Ann Marie Bochnowski, Gene Hensley, Robert W. Gilmore, Jr., David E. Ross, Jr., Robert W. Sundwick; Staff members John J. Thar, Floyd B. Hannon, Kay Fleming, Judy Greene, and an audience. Donald Vowels was absent, due to illness.

At 9:00 AM, the Indiana Gaming Commission toured the Buffington Harbor and USX properties, potential docking sites for riverboats in Gary, Indiana.

1. Call to order and roll call, remarks and introduction by Alan Klineman, Chairman.

Chairman Klineman called the meeting to order and called the roll. He expressed regret that Donald Vowels had made the trip to Gary, but had become ill, and was unable to attend the tour or the meeting. He thanked Mayor Thomas Barnes for arranging the tour of the potential riverboat docking sites in Gary and introduced Mayor Barnes.

2. Remarks by the Honorable Thomas Barnes, Mayor, City of Gary.

Mayor Barnes thanked the commission for coming to Gary, where they could gain a better appreciation of the community as a whole, seeing it first hand. He noted that the city has employed the best consultants in the gaming industry and is moving with all deliberate speed to assist the commission with decision it has to make.

Alan Klineman introduced Mayor Robert Behler of Michigan City, and Mayor Donald Combs of Lawrenceburg, who were attending the meeting.

3. Approval of the minutes of the November 12, 1993, meeting.

The minutes of the November 12, 1993, meeting were approved as corrected on motion of Robert Sundwick, second by Ann Marie Bochnowski.

4. Report of the Executive Director.

Executive Director John J. Thar introduced Kay Fleming, Chief Legal Council. The staff will increase by one more person: Pamela Ayres will serve as Secretary, starting December 20. The staff is looking for larger space, both for the investigations of applicants and for staff itself. Deputy Director Floyd B. Hannon will head the investigative teams, with staffing coming from the Indiana Department of Revenue, Indiana State Police, and the Internal Revenue Service. In order to streamline the investigative process, staff is also contacting other state gaming regulatory

organizations and developing Memorandums of Understanding that will permit the sharing of background information. John Thar thanked the Illinois Gaming Board and its staff in particular for their generous assistance, which has enabled us to get off to a smooth and speedy start.

During November staff drafted Part II of the application and the Personal Disclosure Form I; developed the concept of the investigative teams in cooperation with the other state agencies; began meeting with economic development specialists from the state university system, introduced by the Indiana Department of Commerce; answered the phones and inquiries from applicants, governmental entities, and the general public. In the future, staff will develop the applications for suppliers and occupational license applications for riverboat employees, name the staff on the investigative teams, and fix the scope and cost of the economic development reviews.

5. Report of the State Election Board setting deadlines for referenda in May 1994.

Executive Director John Thar introduced Resolution 1993-14, reading remarks prepared by Brad King, attorney for the State Election Board. Resolution 1993-14 establishes the process for placing the question of riverboat gambling on the May 1994 primary. Applicants must file Part I of the Application in the commission office, along with the non-refundable \$50,000.00 application fee, and pay the applicable balloting costs to the local county auditor by noon, March 4, 1994. County election boards will determine the cost before then. Resolution 1993-14 passed unanimously on motion by Ann Marie Bochnowski, second by Gene Hensley. (Resolution 1993-14 is attached.)

6. Old business.

Staff is still looking at the possibility of a transfer fee in lieu of payment of the full application fee for those applicants wanting to transfer their application from a county or city where riverboat gambling was unsuccessful in a referendum to a location where riverboat gambling was approved in a referendum. The statute is clear: the fee is nonrefundable.

7. New business.

a. Deadline for all locations participating in and passing the November 2, 1993, referendum. Executive Director John J. Thar introduced Resolution 1993-15, which establishes noon Indianapolis time, February 2, 1994, as the deadline for the filing of the Indiana Riverboat Owner License Part I for those applicants in all locations participating in and approving riverboat gambling in the November 2, 1993, referendum. The application must be filed in the commission office and accompanied by the non-refundable \$50,000.00 application fee. (Resolution 1993-15 is attached.)

b. Review and discussion of Part II of the Application.

Commission members have received Part II of the Application in the mail and have had the chance to review it. Executive Director John Thar said that Part II was a continuation of Part I of the application. It consists of information required by statute to be in the public domain, and confidential information. The latter material, which pertains to financial security and matters declared confidential by tax law, along with the Personal Disclosure Form 1 also required with Part II, will be used for investigative purposes and kept confidential by the gaming commission. The Personal Disclosure Form 1 will be required of all Substantial Owners of the applicant, that is those holding a minimum of a 5% interest in the applicant. It will also be required of all Level 1 Occupational License applicants. John Thar noted that Part II of the application will be due in the commission office sixty days after the deadline for Part I for that particular locality. Section B, the confidential section, will be bound and filed separately from the public information section; each page should be stamped "confidential" and initialed by the applicant. Staff will review Part II and the Personal Disclosure Form 1 for format and typographical errors and issue it as close to December 15 as possible. If the application should be available later than December 15, the deadline for submission of Part II by Gary applicants will be sixty days after Part II becomes available. Alan Klineman noted that the commission may always request more information of an applicant. Resolution 1993-16, adopting Part II of the application and Personal Disclosure Form 1, passed unanimously on motion by Ann Marie Bochnowski, second by Robert Sundwick. (Resolution 1993-16 is attached.)

c. Other Business. Ann Marie Bochnowski asked if the commission will be holding meetings open to public comment. John Thar replied that a procedure is being worked out for including public comment during the hearings. Ms. Bochnowski commented positively on the efforts these qualified applicants are making in connection with the local government entities. From the point of view of the gaming commission, in order to maintain public confidence in the license awarding process, city governments charging fees of applicants should lay out exactly what the money is for, she said. Alan Klineman agreed and emphasized that the commission wants the city governments to evaluate all applicants and make that information available to the commission, as outlined in Resolution 1993-10.

8. Next Meeting: 11:00 AM Friday, January 14, 1994, Auditorium of the Conference Center, Indiana Government Center South, Indianapolis, Indiana.

9. Meeting adjourned at 12 noon on motion by Bob Gilmore, Second by Gene Hensley.

INDIANA GAMING COMMISSION
REGULAR MEETING

11:am January 14, 1994

Conference Center Auditorium
Indiana Government Center South

MINUTES

PRESENT: Commission members Alan Klineman, Ann Marie Bochnowski, Gene Hensley, David E. Ross, Jr., Donald Raymond Vowels; Staff members John J. Thar, Kay Fleming, Judy Greene, Floyd B. Hannon, Pam Ayres, and an audience. ABSENT: Commission members Robert W. Gilmore, Jr., & Robert W. Sundwick.

Call of order and roll call.

Chairperson Alan I. Klineman called the meeting to order at 11:05 a.m. welcoming everyone present. He called the roll and indicated that although Commission members Robert Gilmore and Robert Sundwick were absent, a quorum was present.

Approval of the minutes of the December 10, 1993, meeting.

The minutes of the December 10, 1993, meeting were approved as circulated on motion by Gene Hensley, second by Ann Marie Bochnowski.

Report from the Executive Director.

Chairman Klineman announced that Executive Director John J. Thar and his staff have been very active the past thirty days. Director Thar introduced new staff secretary, Pam Ayres, who would be taking the minutes of the meeting. He updated the Commission on the application process as to the progress of the investigative teams. Space has been allocated in the Government Center North Building. State police participation has been agreed to in principle and the standard operations procedures have been developed in rough by Deputy Director Floyd Hannon in conjunction with Major Don Brackman of the Indiana State Police and are in a position to be finalized. He announced a target date of February 1, 1994, for the investigative teams to be identified and to begin training.

Director Thar reported that Memoranda of Understanding are being developed between the Indiana Gaming Commission and the Indiana Department of Revenue and the Indiana Gaming Commission and the Indiana State Police for the overall coordination of the investigative teams as well as long-term coordination of relationships between the Gaming Commission and the other two agencies. He indicated that the Indiana Gaming Commission (IGC) is receiving responses from other gaming regulatory teams across the United States to his letter requesting a Memorandum of Understanding with each agency to facilitate the sharing of information for both the investigative phase and the long-term sharing of information. An MOU has been entered into between the IGC and the FBI as well as the developing of MOU's with other

federal agencies which may impact upon the IGC process.

Executive Director Thar reported on a proposal (see attached) from the Center for Urban Policy and the Environment of the School of Public and Environmental Affairs, functioning out of Indiana University-Purdue University, Indianapolis, to provide to the IGC an evaluation of the projected economic development impacts, the financial capabilities and management plans of each applicant for an owner's license. This independent evaluation will cost each applicant \$16,000 and the IGC will receive an individual analysis of each applicant. In addition, each licensee will continue to be evaluated over the five-year period of its initial license. The purpose of the continued evaluation is to enable the IGC to have an independent, objective assessment of the progress of the economic development impacts of each operational riverboat based upon the representations of the successful licenses which entered into the granting of the license, as well as the actual impacts to the local communities and to the state. The initial evaluation will speed up the complete background investigative process by dividing the total review package between the investigative teams and the Center for Urban Policy and the Environment.

Minority Business Development representatives from the Department of Administration, Department of Commerce staff and representatives of the City of Gary and its various minority and small business development organizations met with IGC staff this week. The immediate purpose of the meeting was to bring together the various state agencies that may be involved in the certification of MBE/WBE and to address the goals of the City of Gary for local and minority business opportunities that will arise. The long-term goals are to coordinate the certification process within the state.

Staff have met with the Alcoholic Beverage Commission and will be meeting next week with the Commission on Proprietary Education. These meetings will ensure that the agencies are coordinated in terms of the regulating and licensing of alcoholic beverages and training schools. Mr. Thar reported that all of the meetings with other state agencies on behalf of Gary have gone extremely well and the IGC will try to make this process as efficient as possible.

Mr. Thar reported that tentative plans have been made for staff to meet on January 25 with the Louisville District of the Army Corps. of Engineers and with the Detroit District on January 28, 1994. These will be fully explained with the Commission.

Ongoing meetings with the State Budget Agency ensure that proper authorizations are in place for the upcoming IGC fiscal concerns.

Based upon review by Chief Legal Counsel Kay Fleming and working with the statute, Mr. Thar believes that the IGC should have no

difficulty carrying out its statutory obligations and regulatory functions in relation to the application process and operational riverboats without any legislative changes at this time. Mr. Thar added that this is virtually a day-to-day review process and that Chairman Alan Klineman will be advised of any legislative change this session. It has been the call of staff to utilize as many in-place agencies as possible. He stressed that the present operation of the Commission is not to duplicate any function already in place in the state. Director Thar concluded his report and asked for questions.

Chairman Klineman congratulated the IGC on utilizing agencies that already exist; MOU use is good.

Gene Hensley requested further explanation of the \$16,000 additional fee for the SPEA investigation.

As the IGC has presently estimated that a full-background investigation would cost approximately \$65,000 per applicant, Mr. Thar explained that if more applicants apply that the fee per application may be closer to the original \$50,000.

Ann Bochnowski asked Mr. Thar to explain the state police involvement in the applicant background check process. He indicated that the present setup is a supervising sgt. for every four-member team. The Indiana State Police will provide support staff with the possibility of two additional personnel from the Department of Revenue and one from the Internal Revenue Service. A total of 21 people will be divided into 7 teams. Once the information is verified, it will be turned over to The Center for Urban Policy and the Environment and by utilizing their various models, an objective model as to economic impact will be developed. Law enforcement officers will not be doing a financial check. We should have a report in approximately 90 days. Mr. Thar explained that IGC is not going to have outside law enforcement employees at this point; the use of the Indiana State Police is essential to provide the Commission with the thorough type of operation that will be necessary in the application process.

Chairman Klineman acknowledged the benefit of using trained investigators and the value of providing further training with other experienced states. He indicated that the Commission has been conducting public meetings, but not public hearings. The Commission wishes to hear from every side.

Old Business. One time amendment fee for applicants in non-successful referendum counties.

The question has arisen whether applicants in areas where referenda failed may transfer an application and original application fee to

a new site. Chairman Klineman noted that under existing statute the \$50,000 application fee is non-refundable.

Director Thar indicated that Resolution 1994-1 speaks to this issue in establishing a one-time dockside amendment fee for applicants in a county that did not pass the November 2, 1993, referendum and may advise the Commission that

- 1) it does not want to further pursue its application and forfeits the fee; or
- 2) the applicant will stay and wait for a referendum to come again in two years, at which time the public question concerning riverboat gambling may again be placed on the ballot; or
- 3) the applicant may amend its application on only one occasion to specify a home dockside in a city or county which has either passed the referendum or will hold a referendum in the future at which time a non-refundable dockside amendment fee (to be established by the Commission) will be charged to applicants who choose to amend the application for purposes of changing the home dockside location.

Jack Thar read aloud Resolution 1994-1. Mr. Klineman indicated that there had been some discussion and that the State Board of Accounts agreed that a fee of \$10,000 would cover the cost and be a fair amount. The resolution passed unanimously on motion by Ann Bochnowski and second by Dr. David Ross.

New business. Deadline for owner's license application, Part II.

Mr. Thar reported that December 17, 1993, was the date that Part II became available. He further explained that the purpose of Resolution 1994-2 is to set a firm deadline for Part II of the application for Gary and other locations that participated and passed their referenda process. For those applicants pursuing an Indiana Riverboat Owner License for the City of Gary, the deadline for filing Part II of the Indiana Riverboat Owner License Application is 12:00 noon (Indianapolis time) February 15, 1994. The deadline for those applicants specifying a site which passed the referenda on November 2, 1993, more specifically, Dearborn, Ohio, Switzerland, and Vanderburgh on the Ohio River, LaPorte County and East Chicago and Hammond on Lake Michigan is 12:00 noon (Indianapolis time) April 4, 1994. The staff of the Commission will conditionally accept Part II of the Indiana Riverboat Owner License Application and Personal Disclosure Form 1 which is not timely filed.

Executive Director Thar read aloud Resolution 1994-2 (see attached). The resolution passed unanimously on motion by Dr. Ross and seconded by Don Vowels.

Other Business. A Proposal - The Evaluation of the Projected Economic Impacts and the Financial Capabilities and Management Plans of Applicants for Licenses from the Indiana Gaming Commission by The Center for Urban Policy and the Environment.

Chairman Klineman remarked that since the Commission members had as not yet had an opportunity to review the proposal as it arrived on yesterday and had been given to members only that morning, that the Commission carefully take time to review it. If there are any concerns, he advised to please let him know within the next few weeks.

Gene Hensley asked for a clarification of Resolution 1994-1 indicating that an applicant could apply for more locations than one if they can pay the \$50,000 fee, but can only be approved for one. Director Thar explained that the first one approved for the applicant would be the only one. Earlier resolutions state that if an applicant has 100% ownership in one location, he can only have 10% ownership in another.

Other Commission meeting sites.

Ann Bocknowski inquired as to going back to Gary or having monthly Commission meetings in other locations. Mr. Klineman indicated that it will probably be spring before other sites are visited. Alan Klineman announced that the IGC would be meeting at 12:00 noon following the Public Meeting in Room E-203 IGCS, to discuss pending litigation.

Next meeting.

The next meeting will be held at 11:00 a.m. on Friday, February 11, 1994, in the Auditorium of the Indiana Government Center South.

The Commission adjourned at 11:45 a.m. on motion by Gene Hensley, seconded by David Ross.

APPENDIX B: COMMISSION RESOLUTIONS

RESOLUTION 1993-1

A RESOLUTION DELEGATING THE AUTHORITY OF THE INDIANA GAMING COMMISSION TO MR. KENNETH L. MILLER FOR CERTAIN PURPOSES

WHEREAS, Under Indiana Code 4-33-4-1, the Indiana Gaming Commission ("the Commission") has all powers necessary and proper to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, The Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, The Riverboat Gambling Law provides that the public's confidence and trust in the administration of the Riverboat Gambling Law will be maintained only through comprehensive law enforcement supervision and the strict regulation of facilities, persons, associations, and gambling operations under the Riverboat Gambling Law;

WHEREAS, the Commission, being duly advised in the matter, finds that the Indiana Department of State Revenue is willing and able to provide resources to the Commission to assist the Commission during the initial period of the Commission's operation;

WHEREAS, the Commission finds that the dedication and skill of Mr. Kenneth L. Miller, Commissioner of the Indiana Department of State Revenue, are deserving of the trust and confidence of the Commission; and

WHEREAS, the Commission finds that the Commission should act promptly to provide information and assistance to the general public and to entities interested in the administration of the Riverboat Gambling Law;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to this Resolution.

SECTION 2. DELEGATION OF COMMISSION AUTHORITY.

The Commission delegates authority to Mr. Kenneth L. Miller, Commissioner of the Indiana Department of State Revenue to perform all desirable and proper acts necessary for the Commission to establish an office to enforce the Riverboat Gambling Law.

SECTION 3. SCOPE OF AUTHORITY.

The authority delegated under SECTION 2 includes, without limitation, the following:

- (1) The authority to enter into contracts on behalf of the Commission.
- (2) The authority to incur reasonable and necessary expenses in the name of the Commission for the enforcement of the Riverboat Gambling Law.
- (3) The authority to hold property on behalf of the Commission.

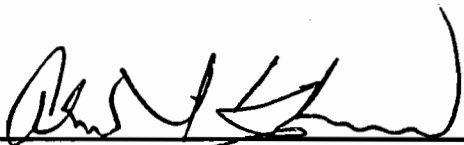
SECTION 4. EFFECTIVE DATE AND EXPIRATION.

This Resolution:

- (1) is effective immediately; and
- (2) expires when the Executive Director notifies the Chair of the Commission that the Executive Director has assumed and is devoting the Executive Director's full time to the duties of the office.

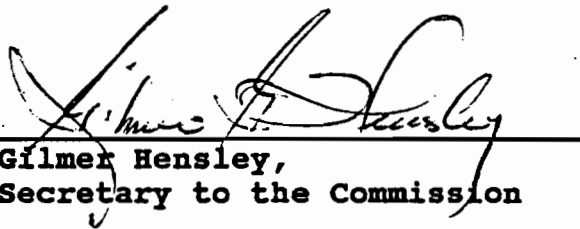
ADOPTED, THIS THE 7TH DAY OF SEPTEMBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



**Gilmer Hensley,
Secretary to the Commission**

RESOLUTION 1993-2

A RESOLUTION DELEGATING THE AUTHORITY OF THE INDIANA GAMING COMMISSION TO MR. JOHN J. THAR FOR CERTAIN PURPOSES

WHEREAS, Under Indiana Code 4-33-4-1, the Indiana Gaming Commission ("the Commission") has all powers necessary and proper to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, The Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, The Riverboat Gambling Law provides that the public's confidence and trust in the administration of the Riverboat Gambling Law will be maintained only through comprehensive law enforcement supervision and the strict regulation of facilities, persons, associations, and gambling operations under the Riverboat Gambling Law;

WHEREAS, the Commission, being duly advised in the matter, finds that Mr. John J. Thar has been appointed Executive Director of the Commission under Indiana Code 4-33-3-18;

WHEREAS, the Commission finds that the dedication and skill of Mr. John J. Thar, Executive Director of the Commission, are deserving of the trust and confidence of the Commission; and

WHEREAS, the Commission finds that the Commission should act promptly to provide information and assistance to the general public and to entities interested in the administration of the Riverboat Gambling Law;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to this Resolution.

SECTION 2. DELEGATION OF COMMISSION AUTHORITY.

The Commission delegates authority to Mr. John J. Thar, Executive Director of the Commission, to perform all desirable and proper acts necessary for the Commission to enforce the Riverboat Gambling Law.

SECTION 3. SCOPE OF AUTHORITY.

The authority delegated under SECTION 2 includes, without limitation, the following:

- (1) The authority to enter into contracts on behalf of the Commission.
- (2) The authority to incur reasonable and necessary expenses in the name of the Commission for the enforcement of the Riverboat Gambling Law.
- (3) The authority to hold property on behalf of the Commission.

SECTION 4. EFFECTIVE DATE.

This Resolution is effective when Mr. Thar notifies the Chair of the Commission that he has assumed and is devoting his full time to the duties of the office of Executive Director of the Commission.

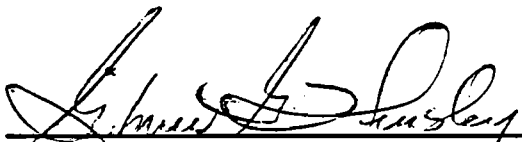
ADOPTED, THIS THE 7TH DAY OF SEPTEMBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Hensley,
Secretary to the Commission

RESOLUTION 1993-3

A RESOLUTION TO ESTABLISH INTERIM WRITTEN GUIDELINES GOVERNING AN APPLICANT'S PAYMENT OF THE COSTS OF A SPECIAL ELECTION TO BE CONDUCTED ON NOVEMBER 2, 1993 CONCERNING WHETHER LICENSES TO PERMIT RIVERBOAT GAMBLING SHOULD BE ISSUED IN A CITY OR COUNTY

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, subject to the adopting of a docking ordinance by the appropriate local fiscal body or upon submission of a petition by the voters of a city or county as provided by Public Law 277-1993(ss), SECTIONS 133 and 134, an applicant for a license under the Riverboat Gambling Law is required to pay in advance the cost of any special election if an election is to be held on November 2, 1993 within a city or county on the local public question of permitting riverboat gambling in the city or county;

WHEREAS, the Commission has been duly advised in this matter and finds that absentee ballots must be available no later than Sunday, October 3, 1993 for use in a city or county in which a special election will be conducted on November 2, 1993 and that the preparation of ballots and other election supplies by printers requires that county election administrators determine by approximately September 15, 1993 whether a special election will be conducted within that county on November 2, 1993;

WHEREAS, the Commission has been advised that the county election boards in certain counties in which a special election may be held in November 1993 have adopted orders or resolutions prescribing that an applicant must present payment to the county for the cost of the special election by September 10, 1993 or September 13, 1993;

WHEREAS, the Commission finds that prescribing a final date by which an applicant may make payment of the costs of a special election to a county will prevent confusion and disruption of the election process resulting from delayed or belated submissions and will maintain the public's confidence and trust in the Riverboat Gambling Law;

WHEREAS, Public Law 277-1993(ss), SECTIONS 133(b) and 134(c) provide that a special election can be conducted on November 2, 1993 only if at least one applicant for a riverboat license under IC 4-33-6 pays in advance of the election the cost of the expenses to hold a special election, as determined by the appropriate county election board;

WHEREAS, the Riverboat Gambling Law does not prescribe the procedure for a county to accept and process payment of special election costs by more than one applicant for a license under the Riverboat Gambling Law for a special election in 1993;

WHEREAS, the Commission finds that prescribing a procedure for the payment of special election costs in counties where more than one person applies for a license within that county will prevent confusion among applicants and county officials and will maintain the public's confidence and trust in the Riverboat Gambling Law;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM WRITTEN GUIDELINES ARE ADOPTED:

SECTION 1. SCOPE.

(a) These guidelines apply to each applicant for a license who wishes to act under Public Law 277-1993(ss), SECTION 133(b) or SECTION 134 (c) to pay the cost of a special election to be conducted within a city or county on November 2, 1993.

SECTION 2. DEFINITIONS.

The definitions set forth in IC 3-5-2 and IC 4-33-2 apply to these interim written guidelines.

SECTION 3. DEADLINE FOR PRESENTING PAYMENT OF ELECTION COSTS.

An applicant may not present a county auditor with a cashier's check or certified check to pay in full the cost of a special election to be conducted on November 2, 1993 under P.L. 277-1993 (ss), SECTION 133(b) or SECTION 134(c) after the earlier of the following:

- (1) Noon, prevailing local time, September 15, 1993; or
- (2) an earlier date or time prescribed by the county election board of the county.

SECTION 4. PROCEDURE FOR PAYMENT OF ELECTION COSTS.

(a) An applicant must present the following items to the county auditor of the appropriate county to comply with P.L. 277-1993(ss), SECTION 133(b) or SECTION 134(c):

(1) A copy of the application filed by the applicant with the Commission, stating:

(A) that the application has been filed with the Commission;

(B) the county (or in the case of Lake County, the city) for which the application has been made; and

(C) that the application fee has been paid.

(2) A cashier's check or certified check, in the amount of the cost of the special election (as previously determined by the county election board of the county), and made payable to "THE _____ COUNTY TREASURER".

(b) An applicant will be considered to have paid for the cost of the special election within the county when the applicant has complied with subsection (a) and the County Auditor provides the applicant with a copy of the quietus or receipt issued by the County Auditor and County Treasurer, with a date and hour of issuance stated on the quietus or receipt.

SECTION 5. PAYMENT OF ELECTION COSTS WITHIN THE SAME JURISDICTION BY MULTIPLE APPLICANTS.

(a) This SECTION applies to the payment of the costs of a special election within a jurisdiction when more than one (1) person has filed an application with the Commission for a license within the same jurisdiction.

(b) This subsection applies to an applicant who acts under SECTION 4 to pay for the cost of a special election before noon, prevailing local time, September 15, 1993. Before presenting items under SECTION 4, the applicant shall ask the county auditor whether any other applicant has previously presented items under SECTION 4 to pay the costs of the special election. If another applicant has previously paid the costs of the special election in accordance with these guidelines, the applicant may not present the items under SECTION 4.

(c) After a special election is conducted and before issuing an owner's license within the jurisdiction, the Commission shall determine whether a person (other than the applicant who paid the cost of the special election) has applied for a license within the jurisdiction where the special election was conducted. If another person has applied within that jurisdiction, the Commission shall issue an order requiring the person to forward a cashier's check or certified check to the applicant who paid the cost of the special election.

(d) The amount of the payment described under subsection (c) equals the cost of the special election (as previously determined by the county election board) divided by the number of persons who have applied for an owner's license within the jurisdiction. The Commission's order may prescribe a date by which the person shall make the payment to the applicant.

SECTION 6. EFFECTIVE DATE AND EXPIRATION. These guidelines are effective immediately and expire on the earlier of the following:

- (1) the date that rules are adopted under IC 4-33-4-2; or
- (2) July 1, 1994.

ADOPTED, THIS THE 7TH DAY OF SEPTEMBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



**Gilmer Hensley,
Secretary to the Commission**

RESOLUTION 1993-4

A RESOLUTION ESTABLISHING THE FEES IMPOSED BY THE INDIANA GAMING COMMISSION

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission has the power under IC 4-33-4-1 (8) and IC 4-33-4-3 (3) to establish fees for licenses issued under the Riverboat Gambling Law;

WHEREAS, the Commission is required by IC 4-33-6-2 (a) to determine the amount of an application fee for an owner's license under the Riverboat Gambling Law;

WHEREAS, IC 4-33-6-2 (d) provides that the costs of investigating an applicant for an owner's license shall be paid from the application fee paid by the applicant;

WHEREAS, the Commission is permitted under IC 4-33-5-3 to assess fees for the copying of information provided by the Commission;

WHEREAS, the Commission has been duly advised in the matter and finds that the Commission should act promptly to determine and assess the fees provided by the Riverboat Gambling Law so that an applicant for an owner's license who wishes to pay the costs of a special election to be conducted on November 2, 1993 concerning the approval of the local public question of permitting riverboat gambling in a city or county, may do so as expeditiously as possible; and

WHEREAS, the time remaining before county election boards must make arrangements to conduct a special election on November 2, 1993 is extremely short;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 2. FEE FOR AN OWNER'S LICENSE APPLICATION.

The Commission determines under IC 4-33-6-2 that the nonrefundable application fee for an owner's license is Fifty Thousand Dollars (\$50,000).

SECTION 3. METHOD OF PAYMENT.

A person who files an application for an owner's license shall submit to the Commission:

- (1) a cashier's check; or
- (2) a certified check;

in the full amount of the fee established under SECTION 2 at the same time that the person files the application with the Commission.

SECTION 4. MULTIPLE APPLICATIONS.

A person who submits more than one (1) application to the Commission shall also submit a separate fee in the full amount prescribed by SECTION 2 with each application.

SECTION 5. COPYING FEES.

The Commission assesses a fee under IC 4-33-5-3 for the copying of information provided by the Commission. The fee assessed under this SECTION is Fifteen Cents (\$0.15) for each side of a page photocopied or otherwise reproduced by the Commission. The amount of the fee must be paid before the Commission delivers or mails the copies to the person requesting the copies.

SECTION 6. EFFECTIVE DATE.

This Resolution is effective immediately.


ADOPTED, THIS THE 7TH DAY OF SEPTEMBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Hensley,
Secretary to the Commission

RESOLUTION 1993-5

A RESOLUTION ADOPTING INTERIM WRITTEN GUIDELINES TO PRESCRIBE AN APPLICATION FORM FOR THE INDIANA GAMING COMMISSION AND TO DEFINE "APPLICANT" FOR CERTAIN PURPOSES

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, an applicant for an owner's license is required under IC 4-33-5 and IC 4-33-6 to provide certain information to the Commission before the Commission may issue a license to that applicant;

WHEREAS, the Commission has been duly advised in the matter and finds that the Commission should act promptly to prescribe an application form so that an applicant for an owner's license who wishes to pay the costs of a special election to be conducted on November 2, 1993 concerning the approval of the local public question of permitting riverboat gambling in a city or county, may do so as expeditiously as possible;

WHEREAS, the time remaining before county election boards must make arrangements to conduct a special election on November 2, 1993 is extremely short; and

WHEREAS, the Commission finds that the confidence and public trust in the Riverboat Gambling Law will be maintained by requiring the entirety of the information required by the applicant to be disclosed to the Commission in a reasonably prompt manner, while not preventing or unnecessarily delaying the ability of an applicant to pay the costs of a special election after supplying certain basic information to the Commission in a timely fashion;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM WRITTEN GUIDELINES ARE ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 2. OWNER'S LICENSE APPLICATION FORM ADOPTED.

The Indiana Riverboat Owner License Application form is adopted. A copy of the form is incorporated into this Resolution by reference, and is attached to this Resolution and designated as "EXHIBIT A".

SECTION 3. DEFINITION OF "APPLICANT" FOR CERTAIN PURPOSES.

A person is considered an "applicant" for the purposes of paying for the costs of a special election under Public Law 277-1993(ss), SECTION 133 or SECTION 134 if the person:

- (1) has filed "PART I: Preliminary Information" of the Indiana Riverboat Owner License Application on the form described in SECTION 2 with the Commission; and
- (2) complies with the Riverboat Gambling Law (IC 4-33) and all interim written guidelines, resolutions, or orders adopted by the Commission.

SECTION 4. LOCATION FOR APPLICANT TO FILE.

An applicant must file the document described in SECTION 3(1) of this Resolution with:

Indiana Gaming Commission §
Indiana Department of State Revenue
Room N248, Indiana Government Center North
Indianapolis, Indiana 46204

SECTION 5. EFFECTIVE DATE. These interim written guidelines are effective immediately and expire on the earlier of:

- (1) the date that rules are adopted under IC 4-33-4; or
- (2) July 1, 1994.

ADOPTED, THIS THE 7TH DAY OF SEPTEMBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Hensley,
Secretary to the Commission

RESOLUTION 1993-6

A RESOLUTION TO
ADOPT INTERIM WRITTEN GUIDELINES
GOVERNING THE REPORTING OF
INDEPENDENT EXPENDITURES BY
AN APPLICANT FOR A LICENSE UNDER IC 4-33
TO INFLUENCE A SPECIAL ELECTION
CONDUCTED ON NOVEMBER 2, 1993
CONCERNING WHETHER RIVERBOAT GAMBLING
SHOULD BE PERMITTED IN A CITY OR COUNTY

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, an applicant for a license under the Riverboat Gambling Law is required by IC 4-33-5-1 (10) to provide the Commission with information concerning any direct or indirect political contribution by the applicant to Indiana candidates or officeholders;

WHEREAS, subject to the adopting of a docking ordinance by the appropriate local fiscal body or upon submission of a petition by the voters of a city or county as provided by Public Law 277-1993(ss), SECTIONS 133 and 134, an applicant for a license under the Riverboat Gambling Law is required to pay in advance the cost of any special election if an election is to be held on November 2, 1993 within a city or county on the local public question of permitting riverboat gambling in the city or county;

WHEREAS, Indiana Code 3-5-2-37 provides that a political action committee includes a nonpartisan organization that proposes to influence the outcome of a public question and accepts contributions or makes expenditures that in the aggregate exceeds \$100 in a calendar year;

WHEREAS, Indiana Code 3-9-5-4 provides that a political action committee is required to file certain campaign finance reports with a county election board;

WHEREAS, Indiana Code 3-9-7-2 provides that an individual who makes an expenditure to influence an election within a year must file a statement with the Indiana State Election Board containing the information required in other campaign finance reports under IC 3-9-5 on the same dates on which reports by political action committees are due;

WHEREAS, Indiana Code 3-9-2-6 provides that the Indiana laws limiting contributions by a corporation do not apply to a contribution supporting or opposing the approval of a local public question;

WHEREAS, the Commission has been duly advised in this matter and finds that individuals or political action committees who would make expenditures supporting or opposing the approval of a local public question concerning the approval of the local public question of permitting riverboat gambling placed on a city or county ballot on November 2, 1993, would be required to report these expenditures, but that a corporation that did not establish a political action committee for this purpose would not be required to report such expenditures;

WHEREAS, the Commission notes that IC 4-33-1-2 contains the legislative finding that the public's confidence and trust in the Riverboat Gambling Law will be maintained only through comprehensive law enforcement supervision and the strict regulation of persons under the Riverboat Gambling Law;

WHEREAS, the Commission finds that public confidence in the Riverboat Gambling Law and the integrity of the election process require that all applicants who make expenditures to support or oppose the approval of a riverboat gambling local public question on November 2, 1993 should be subject to the same disclosure requirements regardless of whether the expenditure is made by an individual, a corporation or a political action committee; and

WHEREAS, the time remaining before a special election held on November 2, 1993 and the commencement of campaigns to support or oppose the approval of a local public question at that time is extremely short;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM WRITTEN GUIDELINES ARE ADOPTED:

SECTION 1. SCOPE.

(a) These guidelines apply to each applicant for a license under the Riverboat Gambling Law (IC 4-33) who is not required to file a statement or report under:

- (1) IC 3-9-5; or
- (2) IC 3-9-7-2.

(b) These guidelines do not apply to an applicant who makes an expenditure to support or oppose the approval of a local public question placed on the ballot at a special election conducted after November 2, 1993.

SECTION 2. DEFINITIONS.

The definitions set forth in IC 3-5-2 and IC 4-33-2 apply to these interim written guidelines.

SECTION 3. CAMPAIGN FINANCE REPORTING.

An applicant who makes an expenditure directly (or indirectly through a wholly or partially owned or affiliated entity) to influence a special election conducted November 2, 1993 on the local public question of whether riverboat gambling is permitted within a city or county shall file statements concerning the expenditures with:

- (1) the county election board of the county in which the special election is conducted; and
- (2) the Indiana State Election Board.

SECTION 4. REPORTS; CONTENT.

Each statement described by SECTION 3 of these guidelines must be on a form prescribed by the Indiana State Election Board for the reporting of expenditures under IC 3-9-7-2 and contain the information required under IC 3-9-5.

SECTION 5. REPORTS; DEADLINES.

Each statement described by SECTION 3 of these guidelines is due at the same date and hour that a report by a political action committee is due under:

- (1) IC 3-9-5-6;
- (2) IC 3-9-5-7; and
- (3) IC 3-9-5-10.

SECTION 6. INVESTIGATIONS OF APPLICANTS.

In conducting an investigation of an applicant under the Riverboat Gambling Law, the Commission shall determine if the applicant has complied with these guidelines.

SECTION 7. EFFECTIVE DATE AND EXPIRATION.

These guidelines are effective immediately and expire the earlier of the following:

- (1) the date rules are adopted under IC 4-33-4-2; or
- (2) July 1, 1994.


ADOPTED, THIS THE 7TH DAY OF SEPTEMBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:


Gilmer Hensley,
Secretary to the Commission

RESOLUTION 1993-7

**A RESOLUTION
ESTABLISHING INTERIM GUIDELINES
GOVERNING EX PARTE
COMMUNICATIONS BETWEEN MEMBERS
OF THE INDIANA GAMING COMMISSION
AND APPLICANTS FOR
LICENSURE UNDER IC 4-33**

WHEREAS, the Indiana Gaming Commission ("the Commission) has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, in order to effectively maintain the public trust while executing the Riverboat Gambling Law, the Commission believes comprehensive and restrictive guidelines regarding ex parte communications between members of the Commission and all applicants for licensure under IC 4-33 must be provided;

WHEREAS, the Commission finds that the Commission should act promptly to ensure to the public and to all applicants for licensure that ex parte communications will not be tolerated;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM GUIDELINES ARE ADOPTED:

SECTION 1. SCOPE.

These interim guidelines apply to members of the Indiana Gaming Commission and to any applicant for licensure under IC 4-33 and those representing an applicant before the Commission.

SECTION 2. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to those interim guidelines.

SECTION 3. DEFINITION OF "APPLICANT" FOR CERTAIN PURPOSES.

For purposes of these interim guidelines, "applicant" shall be defined as any individual or business entity who directly or

indirectly has applied, or may apply or has any commercial interest in a license issued by the Commission under IC 4-33 and those representing an individual or business entity before the Commission.

SECTION 4. DEFINITION OF "EX PARTE COMMUNICATION" FOR CERTAIN PURPOSES.

For purposes of these interim guidelines, "ex parte communication" shall be defined as any communication, direct or indirect, regarding an issue the Commission has or may have before it.

SECTION 5. PROHIBITION OF EX PARTE COMMUNICATIONS.

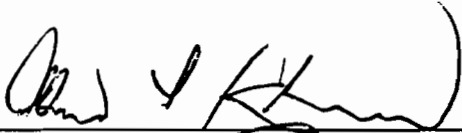
An applicant may not engage in ex parte communications with a Commission member.

SECTION 6. EFFECTIVE DATE AND EXPIRATION.

These guidelines are effective immediately and expire on the earlier of the following:

- (1) the date that rules are adopted under IC 4-33-4-2; or
- (2) July 1, 1994.

ADOPTED, THIS THE 7th DAY OF SEPTEMBER, 1993:



Alan I. Klineman, Chair

ATTEST:



Secretary to the Commission

RESOLUTION 1993-8

A RESOLUTION TO AMEND RESOLUTION 1993-7
AND ESTABLISH SANCTIONS FOR VIOLATIONS OF
EX PARTE COMMUNICATION GUIDELINES

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission previously adopted Resolution 1993-7, establishing interim written guidelines which govern an applicant's ex parte communications with members of the Commission;

WHEREAS, Resolution 1993-7 did not include sanctions for violations of the interim guidelines and the Commission believes sanctions must be provided in order to effectively enforce the interim guidelines and maintain public trust while executing the Riverboat Gambling Law;

WHEREAS, the Commission finds that the Commission should act promptly to ensure to the public and to all applicants for licensure that ex parte communications will not be tolerated;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM WRITTEN GUIDELINES ARE ADOPTED:

"SECTION 6. SANCTIONS FOR VIOLATION OF EX PARTE COMMUNICATIONS GUIDELINES.

Upon a determination by the Commission that an applicant has engaged in an ex parte communication with a member of the Commission, the Commission may take any action it deems appropriate, including:

- (A) denial of an applicant's application for licensure under IC 4-33;
- (B) revocation of a license issued under IC 4-33;
- (C) suspension of a license issued under IC 4-33;
- (D) pursuant to IC 4-33-4-2(6), imposition of a penalty of not more than Ten Thousand Dollars (\$10,000), which shall be collected from the applicant and deposited in the state gaming account; or
- (E) any combination of the penalties set forth in (A) through (D) of this SECTION."

SECTION 2.

SECTION 6 IS RENUMBERED AS SECTION 7.

ADOPTED, THIS THE 17th DAY OF SEPTEMBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I, Klineman, Chair

ATTEST:



Gene Hensley, Secretary

RESOLUTION 1993-9

A RESOLUTION, WITH RETROACTIVE EFFECT,
AMENDING RESOLUTION 1993-5
TO REQUIRE THE FILING OF TWELVE (12)
APPLICATIONS WITH THE GAMING COMMISSION

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law"):

WHEREAS, the Commission has the power and duty to take any reasonable action to enforce the Riverboat Gambling law;

WHEREAS, the Commission previously adopted Resolution 1993-5, establishing interim written guidelines which in part, adopted the Indiana Riverboat Owner License Application form.

WHEREAS, "Part I: Preliminary Information" of the application is to be filed with the Commission;

WHEREAS, the Commission has determined that additional copies of the application form should be filed by the applicants in order to ensure that copies of the applications are available for public review as well as for the members of the Commission and staff;

WHEREAS, the Commission finds that the Commission should act promptly to ensure to the public that copies of all applications will be available for inspection;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. COMMISSION RESOLUTION 1993-5 IS AMENDED TO INCLUDE THE FOLLOWING:

SECTION 3. An applicant shall submit and the Commission shall retain twelve (12) copies, three (3) unbound and nine (9) bound, of each application filed with the Commission. However, an applicant is not required to provide more than three (3) bound and one (1) unbound copies of EXHIBIT 10 (SEC filings)."

SECTION 2.

SECTIONS 3 THROUGH 5 ARE RENUMBERED AS SECTIONS 4 THROUGH 6.

SECTION 3.

EFFECTIVE DATE.

This Resolution is effective retroactive to September 7, 1993. An Applicant who has submitted an application before the date of this Resolution must submit the required additional copies to the Commission no later than noon, Indianapolis time, September 24, 1993.

ADOPTED, THIS THE 17th DAY OF SEPTEMBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:


Gilmer Gene Hensley, Secretary

RESOLUTION 1993-10

A RESOLUTION TO ADOPT INTERIM WRITTEN GUIDELINES CONCERNING ENDORSEMENTS AND EVALUATIONS OF AN APPLICANT FOR AN OWNER'S LICENSE BY A LOCAL GOVERNMENT

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, the Riverboat Gambling Law is intended to benefit the people of Indiana, and states that the public's confidence and trust in the Riverboat Gambling Law will be maintained only through comprehensive law enforcement supervision and strict regulation of facilities, persons, associations, and gambling operations under the Law.

WHEREAS, the Commission has the authority under the Riverboat Gambling Law, based on full consideration of all relevant factors, to determine whether or not an owner's license will be granted and whether or not any application will be granted within the jurisdiction of a local government, subject to the pertinent restrictions set forth in the Law and the Commission's determination that any applicant for an owner's license within a jurisdiction is properly eligible under the Law;

WHEREAS, the Commission has the power and duty under IC 4-33-4-1(5) to "select among competing applicants the applicants that promote the most economic development in a home dock area and that best serve the interests of the citizens of Indiana";

WHEREAS, the Commission has required an application fee of Fifty Thousand Dollars (\$50,000) to thoroughly evaluate the personnel and financial standing of each applicant for a riverboat owner's license;

WHEREAS, the Commission recognizes that local governments have an important role to play under the Riverboat Gambling Law by fully evaluating the economic development potential of all applicants for an owner's license within the jurisdiction of the local government;

WHEREAS, the Commission recognizes that due to intense public interest within a community, applicants who have received endorsements and local governments who have endorsed applicants have done so in good faith, but before the Commission has established a deadline for filing applications for that site;

WHEREAS, endorsements or evaluations of applicants made by a local government before the deadline for filing applications has passed might preclude an analysis of future applicants for that site;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM WRITTEN GUIDELINES ARE ADOPTED:

SECTION 1. EVALUATIONS AND ENDORSEMENTS BY LOCAL GOVERNMENTS. Evaluations and endorsements of all of the applicants made by a local government after the deadline for filing applications will be an important factor in the Commission's economic development evaluation process. Evaluations and endorsements of applicants made before the deadline for filing applications are premature and will receive little, if any, consideration in the Commission's evaluation process.

SECTION 2. LOCAL GOVERNMENT EVALUATION PROCESS. After the deadline for filing applications at a site has passed, the Commission will request that local government evaluate all of the applicants for a site within the local government's jurisdiction. In the request for evaluation, the Commission will ask, among other things, for the local government's ranking, and the basis for the ranking, of all the applicants.

SECTION 3. EFFECTIVE DATE AND EXPIRATION.

These guidelines are effective immediately and expire on the date rules are adopted under IC 4-33-4-2.

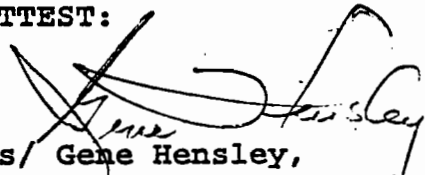
ADOPTED, THIS THE 8th DAY OF October, 1993:

THE INDIANA GAMING COMMISSION:



/s/ Alan I. Klineman, Chair

ATTEST:



/s/ Gene Hensley,
Secretary to the Commission

RESOLUTION 1993-11

A RESOLUTION TO ADOPT
INTERIM WRITTEN GUIDELINES CONCERNING
THE NUMBER OF OWNER'S LICENSES A PERSON
MAY HOLD UNDER IC 4-33

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable and appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, the Commission has the power and duty under IC 4-33-4-2(2) to establish the conditions under which riverboat gambling in Indiana may be conducted;

WHEREAS, the Commission has the power and duty under IC 4-33-4-1(5) to "select among competing applicants the applicants that promote the most economic development in a home dock area and that best serve the interests of the citizens of Indiana";

WHEREAS, the Commission has received numerous inquiries from potential applicants and the public requesting guidance as to the number of owner's licenses a person may hold;

WHEREAS, a policy statement by the Commission is necessary as potential applicants are attempting to arrange financing and business associations in anticipation of applying for an owner's license;

WHEREAS, the Commission finds that the interest of the citizens of Indiana is best served by promoting the greatest possible competition among applicants and by adopting standards regarding allowable interests in more than one riverboat;

NOW, THEREFORE BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM WRITTEN GUIDELINES ARE ADOPTED:

SECTION 1. SCOPE.

These interim written guidelines apply to each applicant for an owner's license under the Riverboat Gambling Law.

SECTION 2. DEFINITIONS.

The definitions set forth in IC 4-33 apply to these interim written guidelines.

SECTION 3. ALLOWABLE INTEREST IN OWNER'S LICENSE.

A person may not simultaneously own an interest in more than two (2) owner's licenses granted by the Commission under the Riverboat Gambling Law. A person may simultaneously own any interest up to one hundred percent (100%) interest in one owner's license and no more than ten percent (10%) interest in a second owner's license.

SECTION 4. EFFECTIVE DATE.

This Resolution is effective retroactive to September 7, 1993. An Applicant who has submitted an application which indicates ownership interests in conflict with the provisions of this Resolution must amend any existing application in a manner consistent with these interim guidelines.

SECTION 5. EFFECTIVE DATE AND EXPIRATION.

These guidelines are effective immediately and expire the date rules are adopted under IC 4-33-4-2.

ADOPTED, THIS THE 8th DAY OF OCTOBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair



Gilmer Gene Hensley, Secretary

RESOLUTION 1993-12

A RESOLUTION ADOPTING INTERIM WRITTEN
GUIDELINES TO ESTABLISH A
DEADLINE FOR APPLICANTS WHO WISH TO
APPLY FOR A GARY RIVERBOAT SITE TO
FILE PART I OF THE INDIANA RIVERBOAT
OWNER LICENSE APPLICATION FORM

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable and appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, the Commission has previously adopted Part I of the Indiana Riverboat Owner License Application Form (Resolution 1993-5) and has made the form available to all potential applicants;

WHEREAS, pursuant to IC 4-33-4-17, no other location may be granted an owner's license prior to an award of an owner's license to an applicant for the City of Gary or September 1, 1994, whichever is earliest;

WHEREAS, the Commission intends to promptly begin the process of evaluating applicants for the Gary site and award an owner's license upon the full evaluation of all applications submitted for the site.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 2. ADOPTION OF A DEADLINE FOR FILING.

For those applicants pursuing an Indiana riverboat owner's license to be utilized for the Gary, Indiana site, the deadline for filing Part 1 of the Indiana Riverboat Owner License Application form is 12:00 noon (Indianapolis time) December 15, 1993.

SECTION 3. PROCEDURE FOR FILING.

Pursuant to previously adopted Resolutions 1993-9 and 1993-4, twelve (12) copies, nine (9) bound and three (3) unbound, of Part 1 of the owner's application, along with a cashier's or certified check in the amount of \$50,000.00, must be delivered to the office of the Indiana Gaming Commission, Indiana Government Center South, Room E 203, on or before the deadline in order to be considered.

SECTION 4. EFFECTIVE DATE.

This resolution is effective immediately.

ADOPTED, THIS THE " 12 " DAY OF NOVEMBER, 1993:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Gene Hensley, Secretary

RESOLUTION 1993-13
A RESOLUTION TO ADOPT
INTERIM WRITTEN GUIDELINES CONCERNING
THE NOTICE OF REQUEST TO WITHDRAW APPLICATION
FOR RIVERBOAT GAMING LICENSE
BY SUMMIT RIVERBOAT CASINOS - INDIANA, INC.
IN RELATION TO THE EAST CHICAGO, INDIANA SITE

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty under IC 4-33-6-2 (a) to establish an application fee that is nonrefundable, and the Commission has established an application fee of \$50,000.00;

WHEREAS, the Commission has prescribed a procedure for payment of the special election costs in counties where more than one person applies for a license within that county;

WHEREAS, the Commission has received a request for withdrawal of an application filed by Summit Riverboat Casinos - Indiana, Inc. on September 20, 1993;

WHEREAS, the Commission has the power and duty to take any reasonable and appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to this resolution.

SECTION 2. REQUEST TO WITHDRAW

The NOTICE OF REQUEST TO WITHDRAW APPLICATION FOR RIVERBOAT GAMING LICENSE filed on September 20, 1993 by Summit Riverboat Casinos-Indiana, Inc. in relation to the East Chicago, Indiana site is hereby granted, effective September 20, 1993.

SECTION 3. REQUEST FOR THE REFUND OF THE APPLICATION FEE

Pursuant to chapter 6 of the Act, the request for the refund of the application fee is hereby denied.

SECTION 4. COST OF THE NOVEMBER 2, 1993 REFERENDUM

Pursuant to resolution 1993-3, Section 5, subparagraphs (c) and (d), the Commission is to determine whether a person has applied for a license within a jurisdiction where a special election was conducted and to divide the cost of said election by the number of persons applying for the license before granting of a license for said jurisdiction. The Commission now determines that Summit Riverboat Casinos - Indiana, Inc. was not an applicant for a license at the East Chicago, Indiana, site as of September 20, 1993, and therefore, is not a person required to participate in the cost of the special election.

SECTION 5. EFFECTIVE DATE:

This resolution is effective immediately.


ADOPTED, THIS THE 12th DAY OF NOVEMBER, 1993.

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:


Gilmer Gene Hensley, Secretary

RESOLUTION 1993-14

A RESOLUTION TO ESTABLISH INTERIM WRITTEN GUIDELINES GOVERNING AN APPLICANT'S PAYMENT OF THE COSTS OF A SPECIAL ELECTION TO BE CONDUCTED ON MAY 3, 1994 CONCERNING WHETHER LICENSES TO PERMIT RIVERBOAT GAMBLING SHOULD BE ISSUED IN A CITY OR COUNTY

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, subject to the adopting of a docking ordinance by the appropriate local fiscal body or upon submission of a petition by the voters of a city or county as provided by Public Law 277-1993(ss), SECTIONS 133 and 134, an applicant for a license under the Riverboat Gambling Law is required to pay in advance the cost of any special election if an election is to be held on May 3, 1994 within a city or county on the local public question of permitting riverboat gambling in the city or county;

WHEREAS, the Commission has been duly advised in this matter and finds that absentee ballots must be available to be mailed to voters no later than Thursday, March 24, 1994 for use in a city or county in which a special election will be conducted on May 3, 1994 and that the preparation of ballots and other election supplies by printers requires that county election administrators determine by approximately March 4, 1994 whether a special election will be conducted within that county on May 3, 1994;

WHEREAS, the Commission finds that prescribing a final date by which an applicant may make payment of the costs of a special election to a county will prevent confusion and disruption of the election process resulting from delayed or belated submissions and will maintain the public's confidence and trust in the Riverboat Gambling Law;

WHEREAS, Public Law 277-1993(ss), SECTIONS 133(b) and 134(c) provide that a special election can be conducted on May 3, 1994 only if at least one applicant for a riverboat license under IC 4-33-6 pays in advance of the election the cost of the expenses to hold a special election, as determined by the appropriate county election board;

WHEREAS, the Riverboat Gambling Law provides that the cost of holding a special election is to be determined by the appropriate county election board, but does not specify a date by which this determination of cost must be made;

WHEREAS, the Riverboat Gambling Law does not prescribe the procedure for a county to accept and process payment of special election costs by more than one applicant for a license under the Riverboat Gambling Law for a May 1994 special election;

WHEREAS, the Commission finds that requesting county election boards to make a prompt determination of special election costs and prescribing a procedure for the payment of special election costs in counties where more than one person applies for a license within that county will prevent confusion among applicants and county officials and will maintain the public's confidence and trust in the Riverboat Gambling Law;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM WRITTEN GUIDELINES ARE ADOPTED:

SECTION 1. SCOPE.

(a) These guidelines apply to each applicant for a license who wishes to act under Public Law 277-1993(ss), SECTION 133(b) or SECTION 134 (c) to pay the cost of a special election to be conducted within a city or county on May 3, 1994.

SECTION 2. DEFINITIONS.

The definitions set forth in IC 3-5-2 and IC 4-33-2 apply to these interim written guidelines.

SECTION 3. DEADLINE FOR PRESENTING PAYMENT OF ELECTION COSTS.

An applicant may not present a county auditor with a cashier's check or certified check to pay in full the cost of a special election to be conducted on May 3, 1994 under P.L. 277-1993 (ss), SECTION 133(b) or SECTION 134(c) after noon, local prevailing time, March 4, 1994.

SECTION 4. PROCEDURE FOR PAYMENT OF ELECTION COSTS.

(a) An applicant must present the following items to the county auditor of the appropriate county to comply with P.L. 277-1993(ss), SECTION 133(b) or SECTION 134(c):

(1) A copy of the application filed by the applicant with the Commission, stating:

(A) that the application has been filed with the Commission;

(B) the county (or in the case of Lake County, the city) for which the application has been made; and

(C) that the application fee has been paid.

(2) A cashier's check or certified check, in the amount of the cost of the special election (as previously determined by the county election board of the county), and made payable to "THE _____ COUNTY TREASURER".

(b) An applicant will be considered to have paid for the cost of the special election within the county when the applicant has complied with subsection (a) and the County Auditor provides the applicant with a copy of the quietus or receipt issued by the County Auditor and County Treasurer, with a date and hour of issuance stated on the quietus or receipt.

SECTION 5. PAYMENT OF ELECTION COSTS WITHIN THE SAME JURISDICTION BY MULTIPLE APPLICANTS.

(a) This SECTION applies to the payment of the costs of a special election within a jurisdiction when more than one (1) person has filed an application with the Commission for a license within the same jurisdiction.

(b) This subsection applies to an applicant who acts under SECTION 4 to pay for the cost of a special election before noon, prevailing local time, March 4, 1994. Before presenting items under SECTION 4, the applicant shall ask the county auditor whether any other applicant has previously presented items under SECTION 4 to pay the costs of the special election. If another applicant has previously paid the costs of the special election in accordance with these guidelines, the applicant may not present the items under SECTION 4.

(c) After a special election is conducted and before issuing an owner's license within the jurisdiction, the Commission shall determine whether a person (other than the applicant who paid the cost of the special election) has applied for a license within the jurisdiction where the special election was conducted. If another person has applied within that jurisdiction, the Commission shall issue an order requiring the person to forward a cashier's check or certified check to the applicant who paid the cost of the special election.

(d) The amount of the payment described under subsection (c) equals the cost of the special election (as previously determined by the county election board) divided by the number of persons who have applied for an owner's license within the jurisdiction. The Commission's order may prescribe a date by which the person shall make the payment to the applicant.

SECTION 6. COUNTY ELECTION BOARD DETERMINATION OF SPECIAL ELECTION COSTS. The Commission requests that the county election board of each county in which a jurisdiction:

(1) is permitted to conduct a special election under the Riverboat Gambling Law; and

(2) did not conduct a special election under the Riverboat Gambling Law on November 2, 1993;

to act no later than February 4, 1994 to determine the costs of holding a special election on May 3, 1994.

SECTION 7. NOTIFICATION OF COUNTY ELECTION BOARDS. The Commission shall send a copy of this Resolution to the County Election Boards of each of the following counties (in care of the Circuit Court Clerk as Secretary of the respective county election board) and convey the request that the County Election Board act under SECTION 6 of this Resolution:

Crawford County

Dubois County

Harrison County

Jefferson County

Lake County (for determination of costs within the City of Whiting)

Orange County

Perry County

Posey County

Spencer County

SECTION 8. EFFECTIVE DATE AND EXPIRATION. These guidelines are effective immediately and expire on the date that rules are adopted under IC 4-33-4-2.

ADOPTED, THIS THE 10TH DAY OF DECEMBER, 1993:

THE INDIANA GAMING COMMISSION:



/s/ Alan I. Klineman, Chair

ATTEST:



/s/ Gene Hensley,
Secretary to the Commission

RESOLUTION 1993-15

A RESOLUTION ADOPTING INTERIM WRITTEN
GUIDELINES TO ESTABLISH A
DEADLINE FOR APPLICANTS WHO WISH TO
APPLY FOR A RIVERBOAT SITE TO
FILE PART I OF THE INDIANA RIVERBOAT
OWNER LICENSE APPLICATION FORM FOR ALL AREAS
PARTICIPATING IN, AND PASSING,
THE NOVEMBER 2, 1993 REFERENDUM

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable and appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, the Commission has previously adopted Part I of the Indiana Riverboat Owner License Application Form (Resolution 1993-5) and has made the form available to all potential applicants;

WHEREAS, pursuant to IC 4-33-4-17, no other location may be granted an owner's license prior to an award of an owner's license to an applicant for the City of Gary or September 1, 1994, whichever is earlier, and the Commission has previously set December 15, 1993, 12:00 noon, Indianapolis time as the deadline for Gary Applicants pursuant to Resolution 1993-12;

WHEREAS, pursuant to IC 4-33-6-19 and IC 4-33-6-20, the Commission may issue a license only to those counties and cities upon the approval of the voters in the respective counties and cities;

WHEREAS, on November 2, 1993, referenda were held in the counties of Clark, Dearborn, Floyd, Ohio, Switzerland, Vanderburgh and Warrick on the Ohio River, and LaPorte and Porter counties on Lake Michigan and the cities of East Chicago and Hammond;

WHEREAS, the results of the November 2, 1993, referenda have been certified to the Commission stating that the referenda passed in the counties of Dearborn, Ohio, Switzerland and Vanderburgh on the Ohio River, and the county of LaPorte on Lake Michigan and the cities of East Chicago and Hammond;

WHEREAS, the Commission intends to promptly begin the process

of evaluating applicants for sites passing the referendum and award an owner's license upon the full evaluation of all applications submitted for those sites.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 2. ADOPTION OF A DEADLINE FOR FILING.

For those applicants pursuing an Indiana riverboat owner's license to be utilized for the sites passing the November 2, 1993, referendum, more specifically: the counties of Dearborn, Ohio, Switzerland and Vanderburgh on the Ohio River and the county of LaPorte on Lake Michigan and the cities of East Chicago and Hammond, the deadline for filing Part 1 of the Indiana Riverboat Owner License Application form is 12:00 noon (Indianapolis time) February 2, 2, 1994.

SECTION 3. PROCEDURE FOR FILING.

Pursuant to previously adopted Resolutions 1993-9 and 1993-4, twelve (12) copies, nine (9) bound and three (3) unbound, of Part 1 of the owner's application, along with a cashier's or certified check in the amount of \$50,000.00, must be delivered to the office of the Indiana Gaming Commission, Indiana Government Center South, Room E 203, on or before the deadline in order to be considered.

SECTION 4. EFFECTIVE DATE.

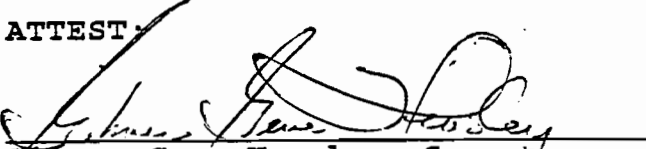
This resolution is effective immediately.

ADOPTED, THIS THE 10th DAY OF DECEMBER, 1993:

THE INDIANA GAMING COMMISSION:


Alan I. Klineman, Chair

ATTEST:


Gilmer Gene Hensley, Secretary

RESOLUTION 1993-16

A RESOLUTION ADOPTING INTERIM WRITTEN GUIDELINES TO PRESCRIBE INDIANA RIVERBOAT OWNER LICENSE APPLICATION PART II AND PERSONAL DISCLOSURE FORM 1 FOR THE INDIANA GAMING COMMISSION

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, an applicant for an owner's license is required under IC 4-33-5 and IC 4-33-6 to provide certain information to the Commission before the Commission may issue a license to that applicant;

WHEREAS, the Commission has been duly advised in the matter and finds that the Commission should act promptly to prescribe Part II of the application form and also prescribe a Personal Disclosure Form 1 so that an applicant for an owner's license may begin to complete the application process;

WHEREAS, the Commission finds that the confidence and public trust in the Riverboat Gambling Law will be maintained by requiring the majority of the information required in Part II of the application to be available for public inspection, the Commission also finds that maintaining the confidentiality of information requested in section B. of Part II as well as all the information requested in the Personal Disclosure Form 1 is consistent with the PUBLIC RECORDS AND PUBLIC MEETINGS law (IC 5-14 et seq), the FAIR INFORMATION PRACTICES law (IC 4-1-6 et seq), and other laws of the State of Indiana and United States of America, including but not limited to laws concerning the right to financial privacy and the confidentiality of tax payer information;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING INTERIM WRITTEN GUIDELINES ARE ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 2. OWNER'S LICENSE APPLICATION FORM ADOPTED.

The Indiana Riverboat Owner License Application, Part II and Personal Disclosure Form 1 are adopted. A copy of each form is incorporated into this Resolution by reference, and are attached to this Resolution and designated as "EXHIBIT A" and "EXHIBIT B", respectively.

SECTION 3. MANNER OF FILING.

Pursuant to Resolution 1993-9, nine (9) bound and three (3) unbound copies of Indiana Riverboat Owner License Application Part II are to be filed with the Commission in the following manner:

Section B. CONFIDENTIAL INFORMATION is to be bound separately from, and the unbound copies are to be separate from, the section labeled CONTINUATION OF DISCLOSEABLE INFORMATION FROM PART I; if the Applicant is requesting confidentiality, each answer and each page of each exhibit submitted in section B. CONFIDENTIAL INFORMATION is to be marked "CONFIDENTIAL" by the Applicant.

Pursuant to this Resolution, three (3) bound and two (2) unbound copies of Personal Disclosure Form 1 are to be filed with the Commission in the following manner:

Each answer and each page of each Exhibit submitted in response to Personal Disclosure Form 1 is to be marked "CONFIDENTIAL" by the person required to file PERSONAL DISCLOSURE FORM 1 if the person filing FORM 1 is requesting confidentiality.

SECTION 4. LOCATION AND TIMING FOR FILING.

An Applicant or person required to file the documents described in SECTION 3 of this Resolution are to file said documents with:

Indiana Gaming Commission
Indiana Government Center South
302 W. Washington St. Room E 203
Indianapolis, Indiana 46204-2767

The Indiana Riverboat Owners Application Form Part II and the Personal Disclosure Form 1, for Key Persons and Substantial Owners only, are to be filed simultaneously, no later than 60 days after the deadline set by the Commission for the filing of Indiana Riverboat Owners License Part I; provided, however: if the finalized forms described in SECTION 3 are not available for the applicants for a Riverboat Owners License for the City of Gary by December 15, 1993, then only those Applicants for the City of Gary will be allowed to file within 60 days of December 15, 1993 or the date the Forms Described in SECTION 3 are available, which ever is later.

SECTION 5. EFFECTIVE DATE. These interim written guidelines are effective immediately and expire on the earlier of:

- (1) the date that rules are adopted under IC 4-33-4; or
- (2) July 1, 1994.

ADOPTED, THIS THE 10TH DAY OF DECEMBER, 1993:

THE INDIANA GAMING COMMISSION:



/s/ Alan I. Klineman, Chair

ATTEST:



/s/ Gilmer Hensley,
Secretary to the Commission

RESOLUTION 1994-1

A RESOLUTION ESTABLISHING A ONE
TIME DOCKSITE AMENDMENT FEE FOR
APPLICANTS IN A COUNTY THAT DID NOT
PASS THE NOVEMBER 2, 1993 REFERENDUM

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission has the power under IC 4-33-4-1(8) and IC 4-33-4-3(3) to establish fees for licenses issued under the Riverboat Gambling Law;

WHEREAS, pursuant to IC 4-33-6-2, the application fee determined by the Commission is nonrefundable;

WHEREAS, pursuant to RESOLUTION 1993-4, the Commission determined that under IC 4-33-6-2 that the nonrefundable application fee for an owner's license is Fifty Thousand Dollars (\$50,000);

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, the results of the November 2, 1993, referenda have been certified to the Commission stating that the referenda failed to pass in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan;

WHEREAS, the Commission has been duly advised that applicants who applied for owner's licenses in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan would like to amend the application for the purpose of changing the docksite location;

WHEREAS, pursuant to RESOLUTION 1993-15, the Commission established 12:00 noon (Indianapolis time) on February 2, 1994, as the deadline for filing Part I of the Indiana Riverboat Owner License Application form for applicants pursuing an Indiana riverboat owner's license to be utilized for sites passing the November 2, 1993, referendum, more specifically: the counties of Dearborn, Ohio, Switzerland and Vanderburgh on the Ohio River and the county of LaPorte and the cities of East Chicago and Hammond on Lake Michigan; and

WHEREAS, the Commission has been duly advised in the matter and finds that the Commission should act promptly to determine and assess the fees provided by the Riverboat Gambling Law so that an applicant for an owner's license who applied in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan may amend the owner's license application form as expeditiously as possible;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. SCOPE.

These guidelines apply to each applicant for an owner's license who specified a home docksite in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan for purposes of the November 2, 1993, referendum, so long as the applicant can demonstrate to the Commission that it has paid its portion of the cost of holding the referendum pursuant to Public Law 277-1993 (ss), SECTIONS 133(b) and 134(c).

SECTION 2. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 3. FEE FOR A DOCKSITE AMENDMENT TO THE APPLICATION.

The Commission determines under IC 4-33 that an applicant for a license who specified a home docksite in the counties of Clark, Floyd, and Warrick on the Ohio River, and Porter County on Lake Michigan for purposes of the November 2, 1993, referenda may advise the Commission that:

(a) Such applicant does not wish to amend its application nor does the applicant desire to further pursue its application, at which time the nonrefundable Fifty Thousand Dollar (\$50,000) application fee imposed pursuant to RESOLUTION 1993-4 and IC 4-33-6-2 is forfeited by the applicant; or

(b) Such applicant will wait, pursuant to IC 4-33-6-19(f) or IC 4-33-6-20(f), for a period of two years, at which time the public question concerning riverboat gambling may again be placed on the ballot; during this two year period, the Fifty Thousand Dollar (\$50,000) application fee imposed pursuant to RESOLUTION 1993-4 and IC 4-33-6-2 will be held by the State of Indiana until such time as the fee is utilized to investigate the applicant or the applicant can no longer be a participant in the licensing process at which

time the Fifty Thousand Dollar (\$50,000) application fee will be forfeited; or

(c) Such applicant may amend its application on only one occasion to specify a home docksite in a city or county which has either passed the referendum or will hold a referendum in the future at which time a nonrefundable docksite amendment fee of ten thousand Dollars (\$10,000.00) will be charged to the applicants who choose to amend the application for purposes of changing the home docksite location.

SECTION 4. MULTIPLE AMENDMENTS.

An applicant who submits more than one docksite amendment must submit a separate fee in the full amount of Fifty Thousand Dollars (\$50,000) for each such amendment beyond the first, as prescribed by RESOLUTION 1993-4.

SECTION 5. EFFECTIVE DATE.

This RESOLUTION is effective immediately.


ADOPTED, THIS THE 14TH DAY OF JANUARY, 1994:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Gene Hensley, Secretary

RESOLUTION 1994-2

A RESOLUTION ADOPTING INTERIM
WRITTEN GUIDELINES TO ESTABLISH FIRM
DEADLINES FOR THE FILING OF PART
II OF THE OWNER LICENSE APPLICATION FORM

WHEREAS, the Indiana Gaming Commission (" the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable and appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, the Commission previously established, pursuant to RESOLUTION 1993-12, December 15, 1993, as the deadline for filing Part I of the Indiana Riverboat Owner License Application form for those applicants who wish to apply for a Gary riverboat site;

WHEREAS, the Commission previously established, pursuant to RESOLUTION 1993-15, February 2, 1994, as the deadline for filing Part I of the Indiana Riverboat Owner License Application form for those applicants who wish to apply for a riverboat site for those counties and cities which passed a referendum on November 2, 1993, more specifically, the counties of Dearborn, Ohio, Switzerland and Vanderburgh on the Ohio River, the county of LaPorte and the cities of East Chicago and Hammond on Lake Michigan;

WHEREAS, the Commission intends to promptly begin the process of evaluating applicants for sites passing the referenda and award owner licenses upon the full evaluation of all applications submitted for those sites specified above.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED.

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 2. ADOPTION OF A DEADLINE FOR FILING PART II OF THE RIVERBOAT OWNER LICENSE FOR GARY APPLICANTS.

For those applicants pursuing an Indiana Riverboat Owner License for the City of Gary, the deadline for filing Part II of the Indiana Riverboat Owner License Application is 12:00 noon (Indianapolis time) February 15, 1994.

SECTION 3. ADOPTION OF A DEADLINE FOR FILING PART II OF THE RIVERBOAT OWNER LICENSE FOR APPLICANTS SPECIFYING A SITE WHICH PASSED THE REFERENDA ON NOVEMBER 2, 1993.

For those applicants pursuing an Indiana Riverboat Owner License for a site which passed the referendum on November 2, 1993, more specifically, the counties of Dearborn, Ohio, Switzerland, and Vanderburgh on the Ohio River, the county of Laporte and the cities of East Chicago and Hammond on Lake Michigan, the deadline for filing Part II of the Indiana Riverboat Owner License Application Form is 12:00 noon (Indianapolis time) April 4, 1994.

SECTION 4. PROCEDURE FOR FILING.

Pursuant to previously adopted Resolutions 1993-5 and 1993-9, and the instructions set forth in Part II of the application, an applicant shall submit the appropriate number of copies of Part II of the Indiana Riverboat Owner License Application and other required documents. All copies must be filed with the office of the Indiana Gaming Commission on or before the date and time set forth in this Resolution.

SECTION 5. ACCEPTANCE OF UNTIMELY FILED PART II OF THE INDIANA RIVERBOAT OWNER LICENSE APPLICATION FORM.


The staff of the Commission will conditionally accept Part II of the Indiana Riverboat Owner License Application Form and Personal Disclosure Form 1 if not timely filed. The Commission will make the final determination regarding the acceptance or rejection of Part II of any Indiana Riverboat Owner License Application Form and Personal Disclosure Form 1 which is not timely filed.

SECTION 6. EFFECTIVE DATE.

These guidelines are effective immediately and expire on the date rules are adopted under IC 4-33-4-2.

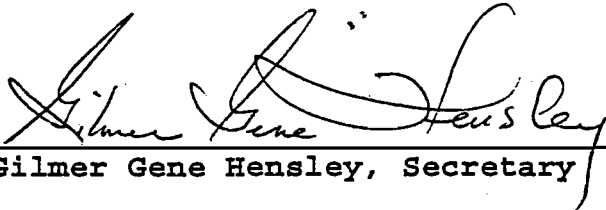
ADOPTED, THIS THE 14TH DAY OF JANUARY, 1994:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Gene Hensley, Secretary

RESOLUTION 1994-3

A RESOLUTION CONCERNING THE ACCEPTABILITY OF THE SUBMITTALS OF
FRED COLLINS dba\FRED COLLINS GAMING CO.
AND
MOUNT ALBANY GRAND CASINOS, INC.
OF FEBRUARY 2, 1994

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable and appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, the Commission has previously adopted Part I of the Indiana Riverboat Owner License Application Form (Resolution 1993-5) and has made the form available to all potential applicants;

WHEREAS, on December 10, 1993, at its public meeting held in the City of Gary, the Commission publicly established and published Resolution 1993-15, which, in pertinent part, reads as follows:

For those applicants pursuing an Indiana riverboat owner's license to be utilized for the sites passing the November 2, 1993, referendum, more specifically: the counties of Dearborn, Ohio, Switzerland and Vanderburgh on the Ohio River and the county of LaPorte on Lake Michigan and the cities of East Chicago and Hammond, the deadline for filing Part 1 of the Indiana Riverboat Owner License Application form is 12:00 noon (Indianapolis time) February 2, 1994.

WHEREAS, pursuant to previously adopted Resolutions 1993-4, 1993-9 and 1994-1, the Commission required twelve (12) copies, nine (9) bound and three (3) unbound, of Part I or a docksite amendment as applicable, along with a cashier's or certified check in the amount of fifty thousand (\$50,000.00) dollars or ten thousand (\$10,000.00) dollars, as applicable;

WHEREAS, the Commission's staff has advised the Commission that the submittals of Fred Collins dba/Fred Collins Gaming Co. and Mount Albany Grand Casinos, Inc. neither met the deadline nor were submitted in a manner which substantially complied with the statute and Resolutions of the Commission;

WHEREAS, the Chairman of the Commission directed the staff to advise Fred Collins dba/Fred Collins Gaming Co. and Mount Albany Grand Casinos, Inc. as well as all applicants for East Chicago and Rising Sun to submit in writing any reasons each may have as to why the Commission should or should not allow the submittals to be filed;

WHEREAS, the staff has advised the Commission that all parties were so notified and the information received as a result of the notification has been put before the Commission for its consideration in the matters;

WHEREAS, the Commission intends to promptly begin the process of evaluating applicants for sites passing the referendum and award an owner's license upon the full evaluation of all applications submitted for those sites.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 2. FRED COLLINS dba/FRED COLLINS GAMING CO.

Upon full consideration by the Commission, the February 2, 1994 submittal of Fred Collins dba/Fred Collins Gaming Co. without the payment of the Fifty Thousand Dollar (\$50,000) application fee for Rising Sun, Indiana ~~(is)~~ (is not) accepted by the Commission.

SECTION 3. MOUNT ALBANY GRAND CASINOS, INC.

Upon full consideration by the Commission, the February 2, 1994 submittal of Mount Albany Grand Casinos, Inc. for East Chicago, Indiana ~~(is)~~ (is not) accepted by the Commission.

SECTION 4. EFFECTIVE DATE.

This resolution is effective immediately.

ADOPTED, THIS THE 11th DAY OF FEBRUARY, 1994:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Gene Hensley, Secretary

RESOLUTION 1994-4

A RESOLUTION SETTING FORTH
THE SEQUENTIAL ORDER FOR CONSIDERATION
OF RIVERBOAT OWNER LICENSE APPLICATIONS

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable and appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, pursuant to Resolution 1994-2 the Commission established February 15, 1994 as the deadline for the filing of Part II of the Indiana Riverboat Owner License Application for the City of Gary and April 4, 1994 for the filing of Part II of the Indiana Riverboat Owner License Application for the Counties of Dearborn, Ohio, Switzerland and Vanderburgh on the Ohio River and the County of LaPorte and the Cities of East Chicago and Hammond on Lake Michigan;

WHEREAS, pursuant to IC 4-33-4-17(a) the Commission is required to "decide promptly and in a reasonable order all license applications"; furthermore, pursuant to IC 4-33-4-1(5) the Commission is empowered to select among competing applicants the applicants which not only promote the economic development of the home dock but also "best serve the interests of the citizens of Indiana"; furthermore, pursuant to IC 4-33-6 the Commission is to consider, among other things when granting an owner's license, the highest total revenue to be collected by the state, economically depressed areas of Indiana and plans that provide significant economic development over a large geographic area; furthermore, other statutory provisions direct the Commission to consider the economic benefit of riverboat gambling to Indiana and to seek to ensure that "all regions of Indiana share in the economic benefits of riverboat gambling", IC 4-33-4-13(b)(3);

WHEREAS, the Commission finds that it is in the best interest of the citizens of Indiana, the State of Indiana and the various

home dock sites to establish a sequential order for the consideration of riverboat owner license applications to ensure not only a prompt and orderly process to the issuance of riverboat owner's licenses but also to ensure a relatively equal disbursement of licenses throughout the State of Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 2. SEQUENTIAL ORDER OF CONSIDERATION OF RIVERBOAT OWNER LICENSE APPLICATIONS.


1. City of Gary, potential of 1 or 2 licenses being issued;
2. Vanderburgh County, potential of 1 license being issued;
3. Dearborn, Ohio and Switzerland Counties, simultaneously, potential of 1 or more licenses being issued;
4. Second and Third largest Cities on Lake Michigan, simultaneously, potential of 1 license being issued to each;
5. Fifth (5th) Lake Michigan license, open to all eligible locations [non-licensed applicants from the City of Gary, the second and third largest Cities and all applicants for any other location(s) having met the statutory prerequisites for licensing];
6. Remaining Ohio River license(s), open to all eligible locations, [all non-licensed applicants from Dearborn, Ohio, Switzerland and Vanderburgh Counties, all applicants for other locations which have met the statutory prerequisites for licensing] potential of 1 or more licenses being issued;
7. Patoka Lake.

SECTION 3. EFFECTIVE DATE.

This resolution is effective immediately.

ADOPTED, THIS THE 11th DAY OF FEBRUARY, 1994:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Gene Hensley, Secretary

RESOLUTION 1994-5

A RESOLUTION ADOPTING A POLICY
GOVERNING AMENDMENTS TO PART
II OF THE INDIANA RIVERBOAT
OWNER'S LICENSE APPLICATION FORM

WHEREAS, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, pursuant to IC 4-33-4-1(a)(4), the Commission has the power and duty to "investigate applicants and determine the eligibility of applicants for licenses";

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, pursuant to IC 4-33-4-17, the Commission is to "decide promptly and in reasonable order all license applications";

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. SCOPE.

These guidelines apply to each applicant for a Riverboat Owner's License who has timely filed Part I and Part II of the Riverboat Owner License Application.

SECTION 2. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 3. PROCEDURE FOR THE SUBMISSION OF AMENDMENTS.

An applicant may make only clerical corrections to its application after the deadline date for the filing of Part II of the Riverboat Owner License Application. After the deadline date for the filing of Part II of Riverboat Owner License Application, the applicant must submit a request to the Commission to make a substantive amendment along with the exact substantive amendment the applicant wishes to have approved. The Commission shall then

determine whether or not the proposed amendment to the application will be allowed.

SECTION 4. EFFECTIVE DATE.

This RESOLUTION is effective immediately.

ADOPTED, THIS THE 11TH DAY OF FEBRUARY, 1994:

THE INDIANA GAMING COMMISSION:

Alan I. Klineman, Chair

ATTEST:

Gilmer Gene Hensley, Secretary